8-29-90
Vol. 55 No. 168

federal register

Wednesday
August 29, 1990

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

8-29-90
Vol. 55 No. 168
Pages 35293-35418

federal register

Wednesday
August 29, 1990

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC and Dallas, TX, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** will be furnished by mail to subscribers for $340 per year in paper form; $195 per year in microfiche form; or $37,500 per year for the magnetic tape. Six-month subscriptions are also available at one-half the annual rate. The charge for individual copies in paper or microfiche form is $1.50 for each issue, or $1.50 for each group of pages as actually bound, or $175.00 per magnetic tape. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 55 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: September 21, at 9:00 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street, NW., Washington, DC.
RESERVATIONS: 202–523–5240.

DALLAS, TX

WHEN: September 25, at 9:00 a.m.
WHERE: Federal Office Building,
1100 Commerce Street,
Room 7A23–175,
Dallas, TX.
RESERVATIONS: 1–800–366–2998.

Contents

Federal Register
Vol. 55, No. 168
Wednesday, August 29, 1990

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 55, No. 168
Wednesday, August 29, 1990

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 917

[Docket No. FV-90-190FR]

Expenses and Assessment Rate for Marketing Order Covering Fresh Pears, Plums, and Peaches Grown in California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate for the Pear Commodity Committee (Committee) established under Marketing Order 917 for the 1990–91 fiscal year (March 1 through February 1). The rule is needed for the Committee to incur reasonable operating expenses during the 1990–91 fiscal year and collect funds during that year to pay those expenses. This rule facilitates program operations. Funds to administer this program are derived primarily from assessments on handlers.

EFFECTIVE DATE: March 1, 1990 through February 28, 1991.

FOR FURTHER INFORMATION CONTACT: George Kelhart, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone: (202) 475–3919.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 917 (7 CFR part 917) regulating the handling of fresh pears, plums, and peaches grown in California. The order is effective under Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

A proposed rule concerning this action was published in the **Federal Register** on August 3, 1990 (55 FR 31605). A 10-day comment period was provided and one comment was received.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing Orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 45 handlers of California pears under this marketing order, and approximately 300 pear producers in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the handlers and producers may be classified as small entities.

Marketing Order No. 917 requires that the assessment rate for a particular fiscal year shall apply to all assessable pears handled from the beginning of such year. An annual budget of expenses is prepared by the Committee and submitted to the U.S. Department of Agriculture for approval. The members of the Committee are handlers and producers of the regulated commodity. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local areas, and are thus in a position to formulate an appropriate budget. The 1990–91 budget was formulated and discussed in public meetings. Thus, all directly affected persons had an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by expected shipments of the commodity in 36 pound cartons or equivalents. Because that rate is applied to actual shipments, it must be established at a rate that will produce sufficient income to pay the Committee's expected expenses. Recommended budgets and rates of assessment are usually acted upon by the Committee before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the Committee will have authority to incur reasonable expenses and have funds to pay their expenses.

The Committee met June 28, 1990, and unanimously recommended 1990–91 fiscal year expenditures of $1,138,367 and an assessment rate of $0.25 per 36 pound carton, or equivalent, of assessable pears shipped under M.O. 917. For comparison, 1989–90 fiscal year expenditures were $834,293 and the assessment rate was $0.22 per carton or equivalent.

The major expenditure item this year is $957,325 for market development, advertising, promotion, and food safety. This amount represents a 45 percent increase over the 1989–90 expenditure of $660,219 in that category. The 1990 crop is expected to be one of the larger crops marketed from California and a comprehensive promotion effort is deemed necessary. The remaining expenses, which are primarily for program administration, are budgeted at about last year's amounts. A total of $5,000 is included for uncollected assessment accounts.

California Tree Fruit Agreement Manager Jonathan W. Field submitted a comment regarding the estimated assessment income of $1,037,500 in the proposed rule (55 FR 31605). Mr. Field commented that the total assessment income should be $933,750, based on 4,150 cars containing 900 cartons per car. The Department used a conversion factor of 1,000 cartons per car in calculating the assessment income shown in the proposed rule. The lower cartons-per-car conversion factor results in a lower assessment income and thus, increases the anticipated budget deficit. The deficit should be $152,617 rather than the $48,867 shown in the proposed rule. The revised figure is well within the reserve fund amount of $177,259, and is acceptable to the Department.

Therefore, this final rule establishes the estimated total income for 1990–91 at $985,750. This amount includes assessment income of $933,750; $7,500 from the California Department of Food and Agriculture for export development activities; $12,000 from other sources such as interest earned on the reserve fund; and a total of $32,500 from the Nectarine Administrative Committee and the Plum and Peach Commodity Committees in compensation for the significant staff time devoted to compliance efforts for those commodities.

While this action imposes some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendations submitted by the Committee, and other available information, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because approval of the additional expenses must be expedited. This marketing order's fiscal year began March 1, 1990, and the Committee needs sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 917

Marketing agreements, Pears, Plums, Peaches, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 917 is amended as follows:

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 917 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New § 917.254 is added to read as follows:

Note: This section will not appear in the annual Code of Federal Regulations.

§ 917.254 Expenses and assessment rate.

Expenses of $985,750 by the Pear Commodity Committee are authorized, and an assessment rate of $0.25 per 36 pound box or equivalent of assessable pears is established, for the fiscal year ending February 28, 1991. Unexpended funds may be carried over as a reserve.

Dated: August 23, 1990.

Robert C. Keeney,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 90–20391 Filed 8–28–90; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Parts 1944, 1951, 1955, and 1962

Program Regulations: Field Office Terminal Processing

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is amending its regulations to reflect changes in the Agency's current automated data processing operating environment. The intended effect of this action is to authorize FmHA field offices to process certain transactions through computer terminals.

EFFECTIVE DATE: August 29, 1990.

FOR FURTHER INFORMATION CONTACT: Kris Dilger, Accountant, Accounting Policy and Procedures Section II, FmHA, USDA, Finance Office, 1520 Market Street, St. Louis, Missouri 63103, telephone FTS 262–6026 or commercial (314) 539–6026.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be exempt from those requirements because it has no impact on FmHA borrowers or other members of the public and it involves only internal Agency management. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal Agency management and publication for comment is unnecessary.

Specifically, the procedures are revised to recognize the data entry of selected loan making and servicing transactions at FmHA field office terminal site locations.

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an environmental impact statement is not required.

For the reasons set forth in the final rule related to Notice 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials. This action does not directly affect any FmHA programs or projects which are subject to intergovernmental consultation.

List of Subjects

7 CFR Part 1944

Home improvements, Loan programs—Housing and community development, Low and moderate income housing—Rental, Mobile homes, Mortgages, Subsidies.

7 CFR Part 1951

Account servicing, Low and moderate income housing loans—Servicing, Loan programs—Housing and community development, Debt restructuring, Credit, Loan programs—Agriculture, Rent subsidies, Subsidies.

7 CFR Part 1955

Foreclosure, Government acquired property, Liquidation of loans and acquisition of property.

7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—Agriculture, Rural areas.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1944—HOUSING

1. The authority citation for part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

2. Section 1944.34 is amended by removing paragraph (k)(3) and by adding a new sentence at the end of paragraph (k)(2) to read as follows:

§ 1944.34 Interest credit.

* * * * *

(k) * * *

(2) * * * After the determination of the effective date of cancellation, Form FmHA 1944–15, "Interest Credit Agreement Cancellation," will be completed in accordance with the FMI. The FmHA field office will process the interest credit agreement cancellation via the FmHA field office terminal system.

* * * * *

PART 1951—SERVICING AND COLLECTIONS

3. The authority citation for part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart G—Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts

4. Section 1951.313 is amended by revising paragraphs (d) and (h) to read as follows:

§ 1951.313 Moratoriums.

* * * * *

(d) *Approval authority.* The County Supervisor is authorized to approve or disapprove a request for a moratorium. The borrower will be notified in writing of the action taken within 15 days after the completed Form FmHA 1951–23 has been received in the County Office. If the moratium is approved, part 2 of Form FmHA 1951–23 will be completed and the form sent to the borrower. Form FmHA 1951–6, "Borrower Account Description Flag," will be completed in accordance with the FMI. The FmHA field office will establish the descriptive code via the FmHA field office terminal system. If the moratorium is denied, the borrower will be notified in accordance with paragraph (e) of this section, and § 1910.6(b)(1) of subpart A of part 1910 of this chapter.

* * * * *

(h) *Cancellation.* A moratorium may be cancelled at any time during the moratorium period if the County Supervisor determines that the reason for the moratorium no longer exists. If cancelled, Form FmHA 1951–6 will be completed in accordance with the FMI, and the borrower will be notified in writing with appeal rights given according to paragraph (k) of this section. The FmHA field office will remove the descriptive code via the FmHA field office terminal system. Form FmHA 1951–37 will be executed to establish a new repayment schedule and the borrower will be notified in writing of the new payment amount.

* * * * *

Subpart L—Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Farmer Programs

5. Section 1951.568 is amended by revising paragraph (a)(6)(ii) to read as follows:

§ 1951.568 Account adjustments and reporting requirements.

* * * * *

(a) * * *

(6) * * *

(ii) When a judgment is obtained against such a borrower, Form FmHA 1962–20, "Notice of Judgment," will be prepared and distributed in accordance with the FMI to establish a judgment account. The FmHA field office will process the judgment or the third party judgment via the FmHA field office terminal system.

* * * * *

Subpart M—Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Single Family Housing

6. Section 1951.618 is amended by revising paragraphs (a)(7)(ii) and (b)(1)(v) to read as follows:

§ 1951.618 Account adjustments and reporting requirements.

* * * * *

(a) * * *

(7) * * *

(ii) When a judgment is obtained against a recipient, Form FmHA 1962–20, "Notice of Judgment," will be completed in accordance with the FMI to establish a judgment account. The FmHA field office will process the judgment or the third party judgment via the FmHA field office terminal system.

* * * * *

(b) * * *

(1) * * *

(v) When a judgment is obtained against a recipient, Form FmHA 1962–20, "Notice of Judgment," will be completed in accordance with the FMI to establish a judgment account. The FmHA field office will process the judgment or the third party judgment via the FmHA field office terminal system.

* * * * *

Subpart S—Farmer Programs Account Servicing Policies

7. Section 1951.909 is amended by removing paragraph (e)(4)(ii)(A), redesignating current paragraphs (e)(4)(ii)(B) through (e)(4)(ii)(D) as paragraphs (e)(4)(ii)(A) through (e)(4)(ii)(C), respectively, and revising paragraphs (e)(4)(i) and (e)(4)(iii)(C) to read as follows:

§ 1951.909 Processing Primary Loan Service Programs Requests.

* * * * *

(e) * * *

(4) * * *

(i) *Period of time available.* The authorities contained in this section were available to financially stressed FmHA farmer program borrowers (OL, FO, EO, SW, EE, EM, RL, but not association recreation loans and/or *only* those rural housing (RH) loans which were made for farm service buildings) until September 30, 1985. The County Supervisor will maintain a record of approval special set-aside amounts, in accordance with subpart A of part 1905 (available in any FmHA office), and establish the set-aside portion of the debt as a separate account, in accordance with the FMI for Form FmHA 1951–6. The FmHA field office will establish the descriptive code via the FmHA field office terminal system.

* * * * *

(iii) * * *

(C) The County Office will be responsible for the cancellation action by processing Form FmHA 1951–6 in accordance with the FMI. The FmHA field office will remove the descriptive code via the FmHA field office terminal system.

* * * * *

PART 1955—PROPERTY MANAGEMENT

8. The authority citation for part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property

9. Section 1955.18 is amended by revising paragraphs (f) and (g) to read as follows:

§ 1955.18 Actions required after acquisition of property.

* * * * *

(f) *Unsatisfied account.* Farmer program loan borrowers will be sent a letter similar to Exhibit F of this subpart (available in any FmHA office). Unsatisfied account balances will be settled in accordance with the part 1864 of this chapter (FmHA Instruction 456.1) or the account will be reclassified to

collection-only by completing Form FmHA 404–1, "Case Reclassification," in accordance with the FMI. The FmHA field office will process active to collection-only via the FmHA field office terminal system. After reclassification to collection-only, Form FmHA 450–10, "Advice of Borrower's Change of Address or Name," or for MFH, Form FmHA 1944–54, "Multiple Family Housing Change Borrower Name/Address/Case Number/Project Number/Loan Number," will be submitted to the Finance Office to furnish the borrower's new address, if known. Collection-only accounts will be serviced in accordance with § 1951.7 of subpart A of part 1951 of this chapter.

(g) *Deficiency judgment.* When a deficiency judgment is to be sought, the State Director will initiate action pursuant to § 1962.49 of subpart A of part 1962 of this chapter. When a judgment is obtained, the State Director will prepare Form FmHA 1962–20 in accordance with the FMI to establish a judgment account to be serviced pursuant to § 1962.49(e) of subpart A of part 1962 of this chapter. The FmHA field office will process the judgment or the third party judgment via the FmHA field office terminal system. If attempts to obtain a judgment are not successful, the remaining debt will be settled or serviced pursuant to § 1951.7 of subpart A of part 1951 of this chapter.

* * * * *

PART 1962—PERSONAL PROPERTY

10. The authority citation for part 1962 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Servicing and Liquidation of Chattel Security

11. Section 1962.49 is amended by revising paragraphs (d) and (e)(1) to read as follows:

§ 1962.49 Civil and criminal cases.

* * * * *

(d) *Actions on cases referred to OGC.* When a civil case is referred to OGC, the State Director will notify the County Supervisor of the referral and will return the County Office case file when it is no longer needed. The State Director will also prepare and distribute Form FmHA 1951–6 according to the FMI. The FmHA field office will process the descriptive code via the FmHA field office terminal system. This will flag the borrower's account indicating court action is pending (CAP). After notice of the referral is received by the County Supervisor, no collection or servicing action will be taken except upon specific instructions from the State Director or OGC. However, when a borrower voluntarily proposes to make a payment on an account, the County Supervisor will accept the collection unless notice has been received that the case has been referred to the U.S. Attorney for civil action. The County Supervisor will immediately notify OGC directly by memorandum, with a copy sent to the State Director, of any collections received. The County Supervisor also will notify the State Director and OGC of any developments which may affect a case which has been referred to OGC.

(e) * * *

(1) When the County Supervisor receives notice from OGC that a judgment (including third-party) has been obtained, the County Supervisor will establish a judgment account by completing Form FmHA 1962–20, "Notice of Judgment," in accordance with the FMI. The FmHA field office will process the judgment or the third party judgment via the FmHA field office terminal.

* * * * *

Dated: June 13, 1990.

LaVerne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 90–20394 Filed 8–28–90; 8:45 am]

BILLING CODE 3410–07–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2; Amdt. 51]

Delegation of Authority—Certified Development Company Debenture Guarantees

AGENCY: Small Business Administration ("SBA").

ACTION: Final rule.

SUMMARY: This rule increases the overall project size for which Certified Development Company debenture guarantees may be approved by certain SBA officers. This change will permit certain projects to be decided at lower levels where adequate resources exist rather than being decided at the next higher level where adequate resources do not exist to provide timely service.

EFFECTIVE DATE: This rule is effective August 29, 1990.

FOR FURTHER INFORMATION CONTACT: Wayne S. Foren, Director, Office of Economic Development, Small Business Administration, Room 720, 1441 L Street NW., Washington, DC 20416, Tel. (202) 653–6416.

SUPPLEMENTARY INFORMATION: Section 502(2) of the Small Business Investment Act, 15 U.S.C. 696(2), as originally enacted (Pub. L. 85–699, 72 Stat. 689) limited loans under that section to $350,000. This limit was raised to $500,000 by § 110 of Public Law 94–305, (90 Stat. 663). Public Law 100–418 (102 Stat. 1561) raised the limit to $750,000. The development company debentures provide a percentage of the total project cost, typically the lesser of 40% or $750,000 (13 CFR 108.583–9(a)(8)). The rule now promulgated increases the overall project size for which approval authority is delegated to certain officers in the field from $1,500,000 to $2,000,000, from $1,000,000 to $1,500,000, and from $750,000, to $1,000,000 respectively. SBA's share of the project cost remains unchanged.

Inasmuch as part 101 consists of rules relating to the Agency's organization and procedures, notice of proposed rule making, public participation, analysis under Executive Orders 12291 and 12612 and a regulatory flexibility review, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not required and this amendment is adopted without resort to these procedures.

List of Subjects in 13 CFR Part 101

Authority delegations [Government agencies), Administrative practice and procedure, Organization and functions (Government agencies).

PART 101—[AMENDED]

Accordingly, part 101 of title 13, chapter I of the Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for part 101 continues to read as follows:

Authority: Secs. 4 and 5, Public Law 85–536, 72 Stat. 384 and 385 (15 U.S.C. 633 and 634, as amended); sec. 308, Public Law 85–699, 72 Stat. 694 (15 U.S.C. 687, as amended); sec. 5(b)(11), Public Law 93–386 (Aug. 23, 1974); and 5 U.S.C. 552.

§ 101.3–2 [Amended]

2. In § 101.3–2, part I, section C, item 2.b is amended by removing "$1,500,000" and substituting therefor "$2,000,000".

3. In § 101.3–2, part I, section C, item 2. is amended by removing "$750,000" and substituting therefor "$1,000,000".

4. In § 101.3–2, part III, section A, item 1.c is amended by removing "$1,000,000" and substituting therefor "$1,500,000".

(Catalog of Federal Domestic Assistance 59.013 State and Local Development Company Loans, 59. 036 Certified Development Company Loans (503 Loans); 59.041 Certified Development Company Loans (504 Loans)).

Dated: August 21, 1990.

Susan Engeleiter,

Administrator.

[FR Doc. 90-20274 Filed 8-28-90; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-ASO-10]

Amendment to Control Zone, Key West, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment eliminates an arrival area extension to the Key West, FL, control zone. The extension was predicated on the Key West Naval Air Station Ultra High Frequency Radiobeacon (NAS UHF RBN) which is being decommissioned. The airspace contained with the arrival area extension is no longer required for protection of instrument flight rules (IFR) aircraft. The remainder of the control zone is unchanged.

EFFECTIVE DATE: 0901 u.t.c., October 18, 1990.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, June 28, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Key West, FL, control zone (55) FR (25979). The proposed amendment would eliminate an arrival area extension based on the Key West NAS UHF RBN which was being decommissioned. The remainder of the control zone would remain unchanged. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6F dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulation amends the Key West, FL, control zone by eliminating an arrival area extension based on the Key West NAS UHF RBN, which is being decommissioned. The remainder of the control zone is unchanged.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATED OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Key West, FL [Amended]

By removing the words: "Within 3.5 miles each side of the 231° bearing from Key West NAS UHF RBN, extending from the 5-mile radius zone to 10.5 miles west of the RBN."

Issued in East Point, Georgia, on August 16, 1990.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 90-20335 Filed 8-28-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-AGL-12]

Transition Area Establishment—Caldwell, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Caldwell, OH, transition area to accommodate a new VOR/DME-A instrument approach procedure to Noble County Airport, Caldwell, OH. The intended effect of this action is to ensure segregation of the aircraft using approach procedures under instrument flight rules from other aircraft operating under visual flight rules in controlled airspace.

EFFECTIVE DATE: 0901 u.t.c., October 18, 1990.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, July 18, 1990, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area airspace near Caldwell, OH (55 FR 29222).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a transistion area airspace near Caldwell, OH. This transition area is being established to accommodate a new VOR/DME-A instrument approach procedure to Noble County Airport Caldwell, OH.

The development of this procedure requires that the FAA establish the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may

be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Caldwell, OH [New]

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Noble County Airport (lat. 39°48'03"N., long. 81°32'11"W.), excluding that portion which overlies the Cambridge, OH, transition area.

Issued in Des Plaines, Illinois on August 22, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 90–20336 Filed 8–28–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 89–ANM–9]

Alteration of VOR Federal Airways V–101 and V–484; Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters V–101 from Burley, ID, to Hailey, ID, and V–484 from Hailey, ID, to Twin Falls, ID. This action reduces air traffic congestion in the vicinity of Hailey, ID, reduces controller workload and improves flight planning for pilots.

EFFECTIVE DATE: 0901 u.t.c., October 18, 1990.

FOR FURTHER INFORMATION CONTACT: Alton Scott, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9252.

SUPPLEMENTARY INFORMATION:

History

On September 25, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter V–101 from Burley, ID, to Hailey, ID, and V–484 from Hailey, ID, to Twin Falls, ID (54 FR 39191). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters V–101 from Burley, ID, to Hailey, ID, and V–484 from Hailey, ID, to Twin Falls, ID. This action will reduce air traffic congestion in the vicinity of Hailey, ID, which serves the Sun Valley resort area's Friedman Memorial Airport. Presently, there are no authorized landing or departing procedures for this airport. During peak traffic periods, the controlling facility for Friedman Memorial Airport applies traffic management restrictions and temporarily reconfigures airspace sectors. This action will improve the flow of traffic in this area and reduce arrival/departure delays as well as controller workload. The establishment of these airways will increase air safety and improve flight planning.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V–101 [Amended]

By removing the words "INT Burley 344° and Pocatello, ID, 286° radials." and substituting the words "INT Burley 344° and Pocatello, ID, 286° radials; Hailey, ID, NDB; to the INT Pocatello 286° and Twin Falls, ID, 355° radials."

V–484 [Amended]

By removing the words "From INT Twin Falls, ID, 007° and Burley, ID, 323° radials, and substituting the words "From Hailey, ID, NDB; INT Twin Falls, ID, 007° and Burley, ID, 323° radials;"

Issued in Washington, DC, on August 21, 1990.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 90–20337 Filed 8–28–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90-AGL-4]

Transition Area Alteration, South Bend, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects **Federal Register** document 90-17794 regarding the transition area, South Bend, Indiana, in the issue of Tuesday, July 31, 1990. On page 31040, third column, under § 71.181, change the words "South Bend, IN, VOR" and the words "South Bend, IN, VORTAC" to read "Giper VORTAC".

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7568.

Issued in Des Plaines, Illinois, on August 16, 1990.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 90-20339 Filed 8-28-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26310; Amdt. No. 1433]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument, Incorporation by reference. Issued in Washington, DC on August 17, 1990.

Daniel C. Beaudette,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35 [Amended]

2. Part 97 is amended as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective October 18, 1990

Dillingham, AK—Dillingham, VOR RWY 1, Amdt. 7
Dillingham, AK—Dillingham, VOR/DME RWY 19, Amdt. 5
Dillingham, AK—Dillingham, LOC/DME RWY 19, Amdt. 3
Galena, AK—Galena, ILS/DME RWY 25, Orig.
El Dorado, AR—Goodwin Field, VOR RWY 22, Amdt. 13
El Dorado, AR—Goodwin Field, VOR/DME RWY 4, Amdt. 9
El Dorado, AR—Goodwin Field, LOC RWY 22, Amdt. 6
Columbus, GA—Columbus Metropolitan, ILS RWY 5, Amdt. 23
Algona, IA—Algona Muni, VOR/DME-A, Amdt. 4
Algona, IA—Algona Muni, NDB RWY 12, Amdt. 3
Creston, IA—Creston Muni, NDB RWY 34, Amdt. 4, CANCELLED
Louisville, KY—Standiford Field, VOR or TACAN RWY 29, Amdt. 19
Louisville, KY—Standiford Field, NDB RWY 1, Amdt. 7
Louisville, KY—Standiford Field, NDB RWY 29, Amdt. 16
Louisville, KY—Standiford Field, ILS RWY 29, Amdt. 19
Louisville, KY—Standiford Field, ILS RWY 1, Amdt. 9
Louisville, KY—Standiford Field, ILS RWY 19, Amdt. 7
Chappell, NE—Billy G. Ray Field, NDB RWY 30, Amdt. 1
Fairbury, NE—Fairbury Muni, NDB RWY 17, Amdt. 2, CANCELLED
Holdrege, NE—Brewster Field, VOR/DME-A, Amdt. 1
Holdrege, NE—Brewster Field, NDB RWY 18, Amdt. 5
Buffalo, NY—Greater Buffalo Intl, RNAV RWY 23, Orig.
West Jefferson, NC—Ashe County, LOC RWY 27, Orig.
West Jefferson, NC—Ashe County, NDB RWY 27, Amdt. 1, CANCELLED
West Jefferson, NC—Ashe County, NDB RWY 27, Orig.
Wilkesboro, NC—Wilkes County, NDB RWY 24, Amdt. 6, CANCELLED
Toledo, OH—Toledo Express, ILS RWY 7, Amdt. 24
Toledo, OH—Toledo Express, RADAR-1, Amdt. 17
Athens, TN—McMinn County, NDB RWY 2, Amdt. 5
Athens, TN—McMinn County, NDB RWY 20, Amdt. 5
Fort Worth, TX—Bourland Field, VOR-A, Amdt. 1
Nacogdoches, TX—East Texas Regional, VOR/DME RWY 33, Amdt. 3, CANCELLED
Nacogdoches, TX—A L Mangham Jr. Regional, VOR/DME RWY 36, Orig.
Nacogdoches, TX—A L Mangham Jr. Regional, NDB RWY 15, Amdt. 3
Sherman, TX—Sherman Muni, VOR/DME RWY 34, Amdt. 4
Norfolk, VA—Norfolk Intl, VOR/DME RWY 32, Amdt. 4

Effective September 20, 1990

Harrison, AR—Boone County, VOR-A, Amdt. 12
Harrison, AR—Boone County, LOC/DME RWY 36, Amdt. 6
Harrison, AR—Boone County, NDB RWY 18, Amdt. 5
Harrison, AR—Boone County, NDB RWY 36, Amdt. 4, CANCELLED
Harrison, AR—Boone County, NDB-B, Orig.
Tampa, FL—Tampa Intl, ILS RWY 18L, Amdt. 38
Tampa, FL—Tampa Intl, ILS RWY 18R, Amdt. 3
Tampa, FL—Tampa Intl, ILS RWY 36L, Amdt. 15
Atwood, KS—Atwood-Rawlins County City-County, NDB RWY 16, Amdt. 1
Venice, LA—Garden Island Bay Seaplane Base, NDB-A, Amdt. 3
Pittsfield, MA—Pittsfield Muni, LOC RWY 26, Amdt. 4
Provincetown, MA—Provincetown Muni, NDB/DME RWY 25, Amdt. 3
Fremont, NE—Fremont Muni, NDB RWY 13, Amdt. 5, CANCELLED
Fargo, ND—Hector Intl, VOR or TACAN Rwy 35, Amdt. 11
Fargo, ND—Hector Intl, NDB Rwy 17, Amdt. 14
Fargo, ND—Hector Intl, ILS Rwy 17, Amdt. 3
Fargo, ND—Hector Intl, ILS Rwy 35, Amdt. 31
Fargo, ND—Hector Intl, RADAR-1, Amdt. 8
Fargo, ND—Hector Intl, RNAV Rwy 13, Amdt. 5
Bridgeport, TX—Bridgeport Muni, VOR-A, Amdt. 3
Brownsville, TX—Brownsville/South Padre Island Intl, NDB RWY 31L, Amdt. 4, CANCELLED
Wichita Falls, TX—Sheppard AFB/Wichita Falls Muni, VOR-D, Amdt. 12
Wichita Falls, TX—Sheppard AFB/Wichita Falls Muni, LOC BC RWY 15R, Amdt. 10
Wichita Falls, TX—Sheppard AFB/Wichita Falls Muni, NDB RWY 33L, Amdt. 9
Wichita Falls, TX—Sheppard AFB/Wichita Falls Muni, ILS RWY 33L, Amdt. 11
Appleton, WI—Outagamie County, VOR/DME RWY 3, Amdt. 7
Appleton, WI—Outagamie County, LOC BC RWY 11, Orig.
Appleton, WI—Outagamie County, LOC BC RWY 21, Amdt. 8
Appleton, WI—Outagamie County, NDB RWY 11, Amdt. 5, CANCELLED
Appleton, WI—Outagamie County, NDB RWY 29, Amdt. 7, CANCELLED
Appleton, WI—Outagamie County, ILS RWY 3, Amdt. 15

[FR Doc. 90-20338 Filed 8-28-90; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 652

RIN 1032-AA00

Mining and Mineral Resources Research Institute Program; Correction

AGENCY: Bureau of Mines.

ACTION: Final rule; technical amendment.

SUMMARY: By this technical amendment, the Bureau of Mines is correcting the final rule for the Mineral Institutes Program published at 54 FR 38377 on September 18, 1989.

EFFECTIVE DATE: August 28, 1990.

FOR FURTHER INFORMATION CONTACT: Ronald A. Munson at (202) 634-1328.

PART 652—MINING AND MINERAL RESOURCES RESEARCH INSTITUTE PROGRAM

1. The authority for part 652 continues to read as follows:

Authority: 30 U.S.C. 121-1230; Pub. L. 98-409; Pub. L. 100-483.

2. The second sentence of § 652.12 is revised to read as follows:

§ 652.12 Governing provisions for grants.

* * * Copies of the OMB circulars are available from Publications Services, 725 17th Street NW., Room 2200, Washington, DC 20503. * * *

3. Section 2.18 is correctly designated as § 652.18 as follows:

§ 652.18 Grant reduction and termination.

Dated: August 21, 1990.

T S Ary,

Director.

[FR Doc. 90-20328 Filed 8-28-90; 8:45 am]

BILLING CODE 4310-53-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Illinois Regulatory Program—Public Notice; Permits; Performance Standards; Civil Penalties

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is announcing the approval with certain exceptions of proposed amendments to the Illinois regulatory program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendments modify sixteen sections in title 62 of the Illinois Administrative Code (IAC) and are intended to make the State's regulations consistent with the revised Federal regulations contained in 30 CFR chapter VII.

EFFECTIVE DATE: August 29, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Fulton, Director, Springfield Field Office, Office of Surface Mining and Enforcement, 511 West Capitol Avenue, Springfield, Illinois 62701, Telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Information pertinent to the general background of the Illinois program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval can be found in the June 1, 1982, **Federal Register** (47 FR 23883 *et seq.*). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 913.11, 913.15, 913.16, and 913.17.

II. Submission of Amendments

Pursuant to 30 CFR 732.17, OSM identified required revisions to the Illinois regulatory program by letters dated June 9, 1987; December 16, 1988; and May 11, 1989. OSM also notified Illinois of deficiencies which OSM had determined to be less effective than the Federal requirements for surface mining and reclamation operations in the Illinois program amendments approved by the Director on October 25, 1988 (53 FR 43112), and January 4, 1989 (54 FR 118). In response to these notifications, Illinois by letter dated July 17, 1989 (Administrative Record No. IL-1075) submitted proposed amendments to its program.

The program amendments modify the following rules of title 62 of the IAC: 1700, 1701, 1761, 1772, 1773, 1774, 1778, 1779, 1780, 1783, 1784, 1800, 1816, 1817, 1843, and 1846.

OSM announced receipt of the proposed amendments in the August 24, 1989, **Federal Register** (54 FR 35205) and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendments. The comment period closed on September 25, 1989.

On April 10, 1990, in response to an issue letter prepared by OSM on February 13, 1990, Illinois submitted additional changes to the amendments (Administrative Record No. IL-1100). OSM announced receipt of the proposed amendments in the May 11, 1990, **Federal Register** (55 FR 19751) and in the same notice, reopened the public comment period. The comment period closed on May 29, 1990.

The Director is deferring action on §§ 1816.49(a)(10)(B) and 1817.49(a)(10)(B) until a technical evaluation is completed. Illinois is proposing to exempt certain small impoundments that impound water to an elevation of less than five feet from the upstream toe and have a storage volume of not more than twenty acre/feet from the annual inspection and quarterly examination requirements.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17, are the Director's findings concerning the proposed amendment submitted on July 17, 1989, with further revisions submitted on April 10, 1990. Revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations and contain language similar to the corresponding Federal rules, concern nonsubstantive wording changes, or revise cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

1. IAC 1700.11 Applicability

In its initial submission of July 17, 1989, Illinois proposed to amend IAC 1700.11(a) to limit the applicability of IAC rules to coal exploration and active surface coal mining operations by deleting the word "reclamation" from the regulation. However, in its revised submission of April 10, 1990, Illinois elected to withdraw its proposed revision.

Illinois is amending IAC 1700.11(c) to add the requirement that the permanent program regulations apply to all surface coal mining and reclamation operations for which the surface coal mining operation is required to obtain a permit under the State Act on February 1, 1983. The Federal regulation at 30 CFR 701.11(d) makes essentially the same requirement but exempts certain structures. Illinois addresses the exemptions at IAC 1700.11(d). The Director therefore finds the revised State rule no less effective than the corresponding Federal rule at 30 CFR 701.11(d).

2. IAC 1701 General Definitions

(a) *Previously mined area.* Illinois is proposing to amend its approved definition of "previously mined area" found at IAC 1701. Appendix A. The current definition defines "previously mined area" as land disturbed or affected by earlier coal mining operations that was not reclaimed in accordance with the requirements of 62 IAC 1700-1850. By letter dated December 16, 1988 (Administrative Record No. IL-1067), OSM required Illinois to submit a revised definition to conform with the revised Federal definition. Illinois redefined "previously mined area" to mean land disturbed or affected by earlier coal mining operations that was not reclaimed in accordance with the requirements of SMCRA. On February 12, 1990, United States District Court Judge Thomas A. Flannery ruled that the Federal definition of "previously mined area" be remanded by the Secretary (*National Wildlife Federation* v. *Lujan*, Civil Action Nos. 87-1051, 87-1814, 88-2788, D.D.C.). He ordered that subsequent definitions of this term prohibit an operator from remining an area that had previously been fully and satisfactorily reclaimed and then leaving it only partly reclaimed. Further, "previously" must be defined to mean prior to the date of SMCRA's enactment.

Although OSM has not yet suspended the existing definition at 30 CFR 701.5, Illinois has submitted a revised definition. Illinois proposes to define "previously mined area" as land that had been mined before August 3, 1977. This definition satisfies both of Judge Flannery's concerns. First, the term "previously mined area" is only used by Illinois in conjunction with its remining regulations at IAC 1816.106 and 1817.106. According to those provisions, previously mined areas may be subject to less than complete highwall elimination where there is a pre-existing highwall. As such, a site previously mined (i.e., before August 3, 1977) and completely reclaimed must be fully and completely reclaimed if remined. Second, the definition now expressly limits "previously mined areas" to lands mined before August 3, 1977. Illinois will submit a written policy statement declaring no area mined before August 3, 1977 and reclaimed fully and satisfactorily will be subject only to remining standards if mined after August 3, 1977. Therefore, the Director finds that the proposed definition is consistent with and no less stringent than the appropriate provisions of SMCRA as interpreted by the court.

(b) *Valid existing rights.* Illinois is proposing to amend its approved definition of "valid existing rights" found at IAC 1701. Appendix A. "Valid existing rights" is currently defined to mean that, except for haul roads, a person possesses valid existing rights for an area protected under § 7.01 of the State Act on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation. Haul roads are subject to special provisions. Further, a person possesses valid existing rights if the person proposing to conduct surface coal mining operations can demonstrate that the coal is needed for, and immediately adjacent to, an ongoing surface coal mining operation which existed on August 3, 1977. The "needed for" determination will be based on a finding that the extension of mining is essential to make the operation as a whole economically viable. By final rule dated January 4, 1989 (54 FR 118), OSM required Illinois to submit a revised definition of "valid existing rights" to limit claims for valid existing rights under the "needed for and adjacent" test to those lands for which the applicant had obtained the requisite property rights as of August 3, 1977. The revised State rule deletes the "needed for and adjacent to" test in its entirety but retains the "taking" test. The provisions for haul roads remain the same.

In the corresponding Federal rule at 30 CFR 761.5, paragraph (a) which defines the "taking" test and paragraph (c) which defines the "needed for an adjacent to" test are suspended (51 FR 41954, November 20, 1986). The suspension notice instructs that determinations for valid existing rights will be made on a case-by-case basis and based, in part, on a demonstration that property rights are in existence on August 3, 1977, and that the coal is both needed for and immediately adjacent to a mining operation in existence prior to that date. The Director finds that in the absence of a definition of "valid existing rights" in 30 CFR 761.5 (a) and (c), the elimination of the "needed for and adjacent to" provision from the revised State rule does not render the State rule less effective than the Federal regulations.

3. IAC 1761 Areas Designated by Act of Congress

a. *Wild and scenic river corridors.* Illinois is amending IAC 1761.11(a) to modify the restrictions on areas where mining is prohibited or limited. The quarter-mile restriction on the maximum width of wild or scenic river study corridors is removed. Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment on any land within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act or study rivers or study river corridors as established in any guidelines pursuant to that Act, and National Recreation Areas designated by Act of Congress. The revision makes the proposed State rule identical to the corresponding Federal rule at 30 CFR 761.11(a).

(b) *National Register of Historic Places.* IAC 1761.11(c) is revised to extend the prohibition of surface coal mining operations after August 3, 1977, to lands where mining will adversely affect any place included on the National Register of Historic Places (NRHP) as well as any publicly owned park. The current State rule prohibits mining operations on any lands which will adversely affect any publicly owned park or any publicly owned places on the NRHP. The revision makes the proposed State rule identical to the corresponding Federal rule at 30 CFR 761.11(c).

(c) *Agency review.* IAC 1761.12(e)(1) is revised to modify the permit application review procedures. If the State determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any place included in the NRHP, the State is required to forward to the agency with jurisdiction over the park or place, a copy of the applicable parts of the application, with a request for that agency's approval or disapproval within thirty days after receipt of request. The revisions make the proposed State rule identical to the corresponding Federal rule at 30 CFR 761.12(f)(1).

Because the proposed Illinois regulations at IAC 1761.11 (a) and (c) and 1761.12(e)(1) are identical to the Federal regulations at 30 CFR 761.11 (a) and (c) and 30 CFR 761.12(f)(1), respectively, the Director finds that the revised State rule is no less effective than its Federal counterparts.

4. IAC 1772 Requirements for Coal Exploration

Illinois is amending IAC 1772.12(b)(8) to add the provision that permit applications for coal exploration outside a permit area during which more than 250 tons of coal will be removed contain a description of any information that the State may require regarding known or unknown historic or archeological resources. The revised State rule is identical to the corresponding Federal rule at 30 CFR 772.12(b)(8)(iv). Therefore, the Director finds the revised State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1772.12(d)(2)(C) to correct a typographical error. The phrase, "pursuant to the National Register of Historic Places," is removed. As this change renders the revised State rule identical to the Federal rule at 30 CFR 772.12(d)(2)(iii), the Director finds it no less effective than its Federal counterpart.

5. IAC 1773 Requirements for Permits and Permit Processing

(a) *Definition of ownership and control.* Illinois is adding a new section at IAC 1773.5 to define "ownership" and "control." For the purposes of IAC 1773, the State specifies that "owned or controlled" and "owns and controls" means any one or a combination of certain relationships. Ownership and control is evidenced by: (1) Being a permittee of a surface coal mining operation; (2) based on certain

instruments of ownership or voting securities, owning of record in excess of fifty percent of an entity; or (3) having any other relationship which gives one person authority directly or indirectly to determine the manner in which another conducts surface coal mining operations. Certain other relationships are presumed to constitute ownership or control unless proven otherwise.

The Director finds the proposed State rule to be substantively identical to the corresponding Federal rule at 30 CFR 773.5 with one exception. To be no less effective than its Federal counterpart, the first paragraph of the State rule should be revised to indicate that owned or controlled and owns and controls means any one or a combination of the relationships specified in subsections (a) and (b). The Director is therefore requiring that Illinois further amend IAC 1773.5 to make the language of the introductory paragraph consistent with that of the Federal rule.

(b) *Requirements to obtain permits.* Illinois is amending IAC 1773.11 to remove reclamation operations from the applicable requirements of this section and to modify the permit renewal requirements. On or after February 1, 1983, no person shall engage in or carry out any surface coal mining operation on non-Federal or non-Indian lands within the State, unless such person has first been issued a permanent regulatory program permit by the State, with certain exceptions. A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to conduct surface coal mining operations has expired or has been terminated, revoked, or suspended.

As the revised State rule is substantively identical to the corresponding Federal rule at 30 CFR 773.11(a), the Director finds it no less effective than the Federal rule.

(c) *Review of permit applications.* Illinois is amending IAC 1773.15(b) (1), (2) and (3) to revise certain violation review provisions concerning air and water quality violations, cessation orders, civil penalties, reclamation fees, bond forfeitures, and ownership and control. The proposed State rule prohibits the issuance of a permit if the applicant, or any person who owns or controls the applicant, is in violation of any applicable State or Federal Act or regulation. If a current violation exists, the State shall require the applicant, or person who owns or controls the applicant, to either submit proof that the current violation has been or is in the process of being corrected or establish that the applicant has filed or is presently pursuing, a direct administrative or judicial appeal. If the violation is affirmed, the applicant is required to submit the required proof within thirty days of the court's decision. Any permit issued on the basis of said proof will be conditionally issued. A permit will be denied if the State finds that an applicant or anyone who owns or controls an applicant has demonstrated a pattern of willful violations as to indicate an intent not to comply with State and Federal Acts.

The proposed revisions are identical to the corresponding Federal rules at 30 CFR 773.15(b) (1), (2) and (3). Therefore, the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1773.15(b)(2) to require that any permit issued on the basis of proof submitted under subsection (b)(1) (discussed above) that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1), be conditionally issued. The revision makes the proposed State rule identical to the corresponding Federal rule at 30 CFR 773.15(b)(2).

Illinois is amending IAC 1773.15(b)(3) to add the provision that if anyone who owns or controls the applicant also controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Acts as to indicate an intent not to comply with the Acts, the permit shall be denied. The current State rule limits responsibility to the applicant or operator. The revision makes the proposed State rule identical to the corresponding Federal rule at 30 CFR 773.15(b)(3).

(d) *Written findings.* Illinois is amending IAC 1773.15(c)(11) to require that the written findings for permit application approval include a finding that, for a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 IAC 1816/1817.106, the site of the operation is a previously mined area as defined by 62 IAC 1701. The revision makes the proposed State rule substantively identical to the corresponding Federal rule at 30 CFR 773.15(c)(12).

Illinois is amending IAC 1773.15(c)(12) to add to the written findings that the State has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the State has determined that no additional measures are necessary. The requirement prohibiting a mining and reclamation operation from adversely affecting a private family burial ground is deleted. The revision makes the proposed State rule substantively identical to the corresponding Federal rule at 30 CFR 773.15(c)(11).

Because the proposed Illinois regulations are substantively identical to the corresponding Federal rules at 30 CFR 773.15 (b) and (c), the Director finds the revised State rules no less effective than their Federal counterparts.

(e) *Compliance review.* Illinois is adding IAC 1773.15(e) to address final compliance review provisions. After an application is approved, but before the permit is issued, the State shall reconsider its decision to approve the application, based on the required compliance review, in light of any new information submitted under 62 IAC 1778.13(i) and 1778.14(e). Because the revision makes the proposed State rule substantively identical to the corresponding Federal rule at 30 CFR 773.15(e), the Director finds it no less effective than the Federal rule.

(f) *Permit conditions.* Illinois is adding at IAC 1773.17(h) a condition that requires a permittee to provide certain information within thirty days after a cessation order is issued under 62 IAC 1843.11, for operations conducted under the permit, except where a stay of the cessation order is granted and remains in effect. As the information required and the conditions for requiring the information are substantively identical to the corresponding Federal rules at 30 CFR 773.17(i), the Director finds the proposed State rule no less effective than its Federal counterparts.

(g) *Permit issuance and right of renewal.* Illinois is amending IAC 1773.19(a)(2) to require the State to make its final permit decision within certain time limits. The applicant's option to waive the time limits is deleted. Neither SMCRA nor the Federal regulations at 30 CFR 773.19(a) provides for a waiver of the time limits. Section 510(a) of SMCRA states only that a decision shall be made "in a reasonable time set by the regulatory authority." Therefore, the Director finds that the revised State rule is consistent with and no less stringent than section 510(a) of SMCRA and no less effective than the corresponding Federal rules.

Illinois is adding 1773.19(a)(2)(D) to provide that if final action on an application does not occur within certain timeframes, the applicant may deem the application denied, and such denial shall constitute a final permit decision. The applicant may waive these time limits. Neither SMCRA nor the Federal regulations at 30 CFR 773.19(a) addresses this issue. The Director finds that the revised State rule is not inconsistent with any Federal requirements nor less effective than the corresponding Federal rules pertaining to permit issuance.

(h) *Improvidently issued permits: general.* Illinois is adding IAC 1773.20 to provide general procedures for identifying improvidently issued permits and taking remedial action. If the State receives information indicating that it improvidently issued a surface coal mining and reclamation permit, it shall review the circumstances under which the permit was issued and take the appropriate remedial measures.

Certain review criteria and remedial measures are provided. Because the revised State rule is substantively identical to the corresponding Federal rules at 30 CFR 773.20 (a), (b) and (c), the Director finds it no less effective than its Federal counterparts.

(i) *Improvidently issued permits: rescission procedures.* Illinois is adding IAC 1773.21 to provide rescission procedures for improvidently issued permits. If the State elects to rescind an improvidently issued permit, it will serve on the permittee a notice of proposed suspension and rescission. The notice will include the reasons for the finding, the terms of the rescission, and permittee hearing rights. The revised State rule is substantively identical to the corresponding Federal rule at 30 CFR 773.21. Therefore, the Director finds it to be no less effective than its Federal counterpart.

6. IAC 1774 Revision; Renewal; and Transfer, Assignment or Sale of Permit Rights

(a) *Permit renewals.* Illinois is revising IAC 1774.15(b)(3) by changing a reference from 1773.19(b) to 1773.19(a)(3) in order to correct a typographical error. The revision makes the proposed State rule substantively identical to the corresponding Federal rule at 30 CFR 774.15(b)(3). Therefore, the Director finds it no less effective than its Federal counterpart.

(b) *Transfer, assignment or sale of permit rights.* Illinois is revising IAC 1774.17(b)(2) to require that the advertisement for the transfer, assignment or sale of permit rights be published at least once a week for two consecutive weeks. A copy of the advertisement shall be submitted to the State. The corresponding Federal rule at 30 CFR 774.17(b)(2) does not specify a minimum publishing period for the advertisement nor does it require that a copy be sent to the State. The Director finds the revised State rule to be no less effective than its Federal counterpart.

7. IAC 1778 Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information

(a) *Identification of interests.* Illinois is revising IAC 1778.13 to provide for the voluntary submission of a social security number on permit applications. This change makes the revised State rule identical to the corresponding Federal rule at 30 CFR 778.13.

Illinois is revising IAC 1778.13(b) to require that applications include, as applicable, the social security number and employer identification number of the person who will pay the abandoned mine land reclamation fee. This change makes the revised State rule substantively identical to the corresponding Federal rule at 30 CFR 778.13(b).

Illinois is revising IAC 1778.13(c) to require that applications include certain identifying information for each person who owns or controls the applicant including but not limited to name, address, social security number, and employer identification number. This change makes the revised State rule identical to the corresponding Federal rule at 30 CFR 778.13(c).

Illinois is revising IAC 1778.13(d) to require that applications include certain identifying information for any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant. This change makes the revised State rule identical to the corresponding Federal rule at 30 CFR 778.13(d).

Illinois is adding IAC section (i) to require the applicant to update, correct, or indicate that no change has occurred in the information previously submitted. This is required after the applicant is notified that the application is approved but before the permit is issued. The change makes the revised State rule identical to the corresponding Federal rule at 30 CFR 778.13(i).

Illinois is adding IAC section (j) to require that the applicant submit permit application information in any format prescribed and issued by the State and OSM. This change makes the revised State rule substantively identical to the corresponding Federal rule at 30 CFR 778.13(j).

Because the proposed Illinois regulations at IAC 1778.13 are substantively identical to the corresponding Federal regulations at 30 CFR 778.13, the Director finds the proposed revisions are no less effective than their Federal counterparts.

(b) *Violation information.* Illinois is revising IAC 1778.14(c) to require that permit applications include a list of all violation notices received by the applicant during the three year period preceding the application date. The application must also include a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of application by any operation owned or controlled by either the applicant or the person who owns or controls the applicant along with certain identifying information. The changes make the revised State rule identical to the corresponding Federal rule at 30 CFR 778.14(c).

Illinois is revising IAC 1778.14(e) to require that after the applicant is notified that the application is approved but before the permit is issued, the applicant shall update, correct, or indicate no change has occurred in the information previously submitted. This change makes the revised State rule identical to the corresponding Federal rule at 30 CFR 778.14(d).

Because the proposed State regulations at IAC 1778.14 are identical to the corresponding Federal regulations at 30 CFR 778.14, the Director finds the proposed revisions are no less effective than their Federal counterparts.

8. IAC 1779 Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources

Illinois is revising IAC 1779.12(b)(1) to add the requirement that applications include the nature of archeological resources, as well as cultural and historic resources, listed or eligible or listing in the National Register of Historic Places (NRHP) within the proposed permit area and adjacent areas. The proposed revision is substantively identical to the Federal rule at 30 CFR 779.12(b)(1). The Director finds the proposed State rule to be no less effective than the Federal regulations.

Illinois is adding IAC 1779.12(b)(2) to give the State authority, in consultation with the Illinois State Historic Preservation Agency, to require that the applicant submit additional information to identify and evaluate currently unknown resources located within the proposed permit or adjacent areas

which would be eligible for listing on the NRHP. The State shall issue the request if the information submitted with the permit application is insufficient to enable the State to make a finding regarding the effect of the proposed permitting action on properties listed on or eligible for listing on the NRHP. The applicant would be required to conduct field investigations as determined necessary by the State. The revised State rule is substantively identical to the corresponding Federal rule at 30 CFR 779.12(b)(2). Therefore, the Director finds it no less effective than its Federal counterpart.

Illinois is deleting IAC 1779.20, Fish and Wildlife Resources Information, and transferring its revised contents to IAC 1780.16. The comparable Federal rule at 30 CFR 779.20 was similarly removed, its contents revised, and transferred to 30 CFR 780.16 on December 11, 1987 (52 FR 47359). Therefore, the Director finds that the deletion of former section 1779.20 does not render the Illinois rule less effective than the Federal regulations.

9. IAC 1780 Surface Mining Permit Application—Minimum Requirements for Reclamation and Operation Plan

(a) *Fish and Wildlife Plan.* Illinois is revising IAC 1780.16 to consolidate program requirements concerning the fish and wildlife resource information, and protection and enhancement plans, required of permit applicants. It contains provisions substantively identical to those in the corresponding Federal regulation at 30 CFR 780.16, as published on December 11, 1987 (52 FR 47359). Therefore, the Director finds the revised State rule no less effective than its Federal counterpart.

(b) *Hydrologic information.* Illinois is revising IAC 1780.21(a) to correct an address for the Department of Mines and Minerals. As this change is nonsubstantive in nature, the Director finds it will not render the proposed rule less effective than its Federal counterpart at 30 CFR 780.21.

Illinois is revising IAC 1780.21(f) to expand the requirements for probable hydrologic consequences determinations (PHC). New section 1780.21(f)(2) requires that the PHC determination be based on baseline hydrologic, geologic and other information collected for the permit application and may include statistically representative site data. The proposed State rule is identical to the corresponding Federal rule at 30 CFR 780.21(f)(2).

New section 1780.21(f)(3) requires that the PHC determination include certain findings on potential adverse impacts the proposed operation could have on water supplies. The proposed State rule is identical to the corresponding Federal rule at 30 CFR 780.21(f)(3).

New section 1780.21(f)(4) requires that permit revision applications be reviewed by the State to determine whether a new or updated PHC determination is required. The proposed State rule is identical to the corresponding Federal rule at 30 CFR 780.21(f)(4).

Because the revised portions of the State rule at IAC 1780.21(f) are identical to their Federal counterparts at 30 CFR 780.21(f), the Director finds it no less effective than the Federal regulations.

Illinois is amending IAC 1780.21(i)(2) to permit the State to waive the requirement for ground water monitoring if an applicant can demonstrate by the use of the probable hydrologic consequences determination that a particular water-bearing stratum is not one which ensures the hydrologic balance within the cumulative impact area. As the revision is identical to the Federal regulation at 30 CFR 780.21(i)(2), the Director finds the proposed State rule no less effective than its Federal counterpart.

(c) *Protection of public parks and historic places.* Illinois is revising IAC 1780.31(a) to require that for any publicly owned parks or any place listed on the NRHP that may be adversely affected by proposed mining operations, each plan must describe the measures used to prevent adverse effects, or if valid existing rights exist or joint agency approval is to be obtained, to minimize adverse impacts. Because the revised State rule is identical to the corresponding Federal rule at 30 CFR 780.31(a), the Director finds it no less effective than its Federal counterpart.

New section 1780.31(b) gives the State the discretionary authority, in consultation with the Illinois State Historic Preservation Agency, to require the applicant to protect historic or archeological properties listed on or eligible for listing on the NRHP through appropriate mitigation or treatment measures. Appropriate measures may be required to be taken after permit issuance provided they are completed before the properties are affected by any mining operation. Because the revisions make the State rule substantively identical to the corresponding Federal rule at 30 CFR 780.31(b), the Director finds it no less effective than its Federal counterpart.

Section (b) is further revised to state that appropriate mitigation and treatment measures for properties consisting of buried or surface deposits of archeological materials may include making the property available to archeological investigations for a reasonable period of time. While the Federal rules do not specifically address the types of measures that may be taken, the Director finds the State's proposed example reasonable. He finds that the revision does not render the proposed rule less effective than or inconsistent with the general Federal regulations at 30 CFR 780.31(b).

10. IAC 1783 Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources

Illinois is amending IAC 1783.12(b)(1) to require that the nature of archeological, as well as cultural and historic resources, listed or eligible for listing on the NRHP within the proposed permit and adjacent areas be identified and described on the permit application. The proposed State rule is substantively identical to the Federal rule at 30 CFR 783.12(b). The Director finds the proposed State rule to be no less effective than its Federal counterpart.

Illinois is adding IAC 1783.12(2) to authorize the State, in consultation with the Illinois State Historic Preservation Agency, to require that the applicant submit additional information to identify and evaluate currently unknown resources which would be eligible for listing on the NRHP. The applicant must conduct field investigations as determined necessary by the State. As the revised State rule is substantively identical to its Federal counterpart at 30 CFR 783.12(b)(2), the Director finds it no less effective than its Federal counterpart.

Illinois is deleting IAC 1783.20, Fish and Wildlife Resources Information, and transferring its revised contents to IAC 1784.21. The comparable Federal rule at 30 CFR 783.20 was similarly removed, its contents revised, and transferred to 30 CFR 784.21 on December 11, 1987 (52 FR 47359). Therefore, the Director finds that the deletion of former section 1783.20 does not render the Illinois rule less effective than the Federal regulations.

11. IAC 1784 Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan

Illinois is proposing revisions to IAC 1784 which are identical to those proposed in IAC 1780.

(a) *Hydrologic information.* Illinois is revising IAC 1784.14(a) to correct an address for the Department of Mines and Minerals. As this change is nonsubstantive in nature, the Director finds it will not render the proposed rule less effective than its Federal counterpart at 30 CFR 784.14.

Illinois is amending IAC 1784.14(e) to expand the requirements for probable hydrologic consequences (PHC) determinations. New section 1784.14(e)(2) requires that the PHC determination be based on baseline hydrologic, geologic and other information collected for the permit application and may include statistically representative site data. The proposed State rule is identical to the corresponding Federal rule at 30 CFR 784.14(e)(2).

New section 1784.14(e)(3) requires that the PHC determination include certain findings on potential adverse impacts the proposed operation could have on water supplies. The proposed State rule is identical to the corresponding Federal rule at 30 CFR 784.14(e)(3).

New section 1784.14(e)(4) requires that permit revision applications be reviewed by the State to determine whether a new or updated PHC determination is required. The proposed State rule is identical to the corresponding Federal rule at 30 CFR 784.14(e)(4).

Because the revised State rule at IAC 1784.14 is identical to its Federal counterpart at 30 CFR 784.14, the Director finds it no less effective than the Federal regulations.

Illinois is amending 1784.14(h)(2) to permit the State to waive the requirement for ground water monitoring if an applicant can demonstrate by the use of a PHC determination that a particular water-bearing stratum is not one which ensures the hydrologic balance within the cumulative impact area. As the revision is identical to the Federal rule at 30 CFR 784.14(h)(2), the Director finds the proposed State rule no less effective than its Federal counterpart.

(c) *Protection of public parks and historic places.* Illinois is revising IAC 1784.17(a) to require that for any publicly owned parks or any place listed on the NRHP that may be adversely affected by proposed mining operations, each plan must describe the measures used to prevent adverse effects, or if valid existing rights exist or joint agency approval is to be obtained, to minimize adverse impacts. Because the revised State rule is identical to the corresponding Federal rule at 30 CFR 784.17(a), the Director finds it no less effective than its Federal counterpart.

New section 1784.17(b) gives the State discretionary authority, in consultation with the Illinois State Historic Preservation Agency, to require the applicant to protect historic or archeological properties listed on or eligible for listing on the NRHP through appropriate mitigation or treatment measures. Appropriate measures may be required to be taken after permit issuance provided they are completed before the properties are affected by any mining operation. The revisions make the State rule identical to the corresponding Federal rule at 30 CFR 784.17(b).

Section (b) is further revised to state that appropriate mitigation and treatment measures for properties consisting of buried or surface deposits of archeological materials may include making the property available to archeological investigators for a reasonable period of time. While the Federal rules do not specifically address the types of measures that may be taken, the Director finds the State's proposed example reasonable. He finds that the revision does not render the proposed rule less effective than or inconsistent with the general Federal regulations at 30 CFR 784.17.

(c) *Fish and Wildlife Plan.* Illinois is revising IAC 1784.21 to consolidate program requirements concerning the fish and wildlife resources information, and protection and enhancement plans, required of permit applicants. It contains provisions substantively identical to those in the corresponding Federal regulation at 30 CFR 784.21, as published on December 11, 1987 (52 FR 47359). Therefore, the Director finds the revised State rule no less effective than its Federal counterpart.

12. IAC 1800 Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

Illinois is revising IAC 1800.21(b)(4) to ensure that the ten percent capital and surplus account limitation the State imposes for letters of credit posted as bond is applied on a cumulative total of all letters of credit submitted to the State by any one issuing bank. The corresponding Federal rule at 30 CFR 800.21(b) imposes no similar or related restrictions on letters of credit posted as bond. The Director finds that the revised State rule is not inconsistent with any Federal requirements nor less effective than the corresponding Federal rules.

Illinois is revising IAC 1800.40(a)(2) to require the operator to submit a copy of the advertisement for bond release to the State within forty-five days after the application has been filed. The current State rule requires a thirty day deadline. While the corresponding Federal rule at 30 CFR 800.40(a)(2) specifies a thirty day deadline, the Director finds that the extension of the submittal period by fifteen days will not adversely affect the bond release application process and will not discourage or inhibit public participation in that process. He therefore finds that the revision will not render the proposed State rule less effective than its Federal counterpart.

Illinois is revising IAC 1800.40(b)(1) to require that the State inspect the reclamation work within sixty days upon filing of the bond release application. The current State rule requires an inspection within thirty days upon receipt of the application. While the corresponding Federal rule at 30 CFR 800.40(b)(1) specifies a thirty day deadline upon receipt, the director finds that the extension of the inspection period by thirty days will not adversely affect the bond release application process and will not discourage or inhibit public participation in that process. He therefore finds that the proposed revision will not render the proposed State rule less effective than its Federal counterpart.

Illinois is revising IAC 1800.40(b)(2) to require that within ninety days from the filing of the bond release application, if not public hearing is held, or within sixty days after a public hearing, the State notify the municipality and county in which the surface coal mining operation is located, as well as certain other parties of its final decision to release or not to release the performance bond. The current State rule provides for a sixty-day time period, if no public hearing is held, and a thirty-day period after a public hearing. It does not require that the municipality be notified. The corresponding Federal rule at 30 CFR 800.40(b)(2) specifies a sixty day and thirty day notification period, respectively, and does not require that the municipality be notified. The Director finds that the extension of the time periods by thirty days and the inclusion of the municipality notification provision will not adversely affect the bond release application process and will not discourage or inhibit public participation in that process. He therefore finds the proposed revisions do not render the proposed State rule less effective than its Federal counterpart.

Illinois is deleting IAC 1800.40(e) which required the State to notify the municipality in which the surface coal mining operation is located by certified mail at least thirty days prior to the release of all or part of a performance bond. The corresponding Federal rules at 30 CFR 800.40(e) require the notification procedures described above. The State has prepared a policy statement which requires that the notification procedures be observed. In addition, section 6.08(g) of the Illinois Surface Coal Mining Land Conservation and Reclamation Act retains language

substantively identical to 30 CFR 800.40(e). Therefore, the Director finds that the proposed State rule is no less efffective than its Federal counterpart.

Illinois is revising new IAC 1800.40(e) (currently 1800.40(f), which will be deleted) to require the State to hold a public hearing within sixty days after receipt of the request for said hearing. The current State rule requires a thirty day deadline. While the Federal regulations at 30 CFR 800.40(f) provide for a thirty day timeframe, the Director finds that the extension of the time period by thirty days will not adversely affect the hearing process since all rights of public participation have been retained. He finds, therefore, that the revision does not render the proposed State rule less effective than its Federal counterpart.

Illinois is revising IAC 1800.60(b) to require that the permit applicant's public liability insurance policy be maintained during the life of the permit and the liability period necessary to complete reclamation. The current State rule requires the policy to be maintained during the life of the policy including the liability period. As the proposed revision is substantively identical to the corresponding Federal rule at 30 CFR 800.60(b), the Director finds the proposed State rule no less effective that its Federal counterpart.

13. IAC 1816 Permanent Program Performance Standards—Surface Mining Activities

(a) *Impoundments.* Illinois is amending IAC 1816.49(a)(9) to require that the professional engineer or specialist conducting impoundment inspections be experienced in the construction of impoundments as evidenced by the placement of a seal on the inspection report. The corresponding Federal rule at 30 CFR 816.49(a)(10) does not require a seal. The Director finds that the proposed State rule is not inconsistent with nor less effective than is Federal counterpart.

Illinois is amending IAC 1816.49(a)(9)(A) to delete the provision that all impoundments be inspected regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond. The proposed revision requires regular inspections for those impoundments meeting the MSHA standards specified in 30 CFR 77.216(a), i.e., large impoundments. Annual status reports for these large impoundments are required to be submitted to the State within thirty days after the reporting period. The Federal regulation at 30 CFR 816.49(a)(10)(i) requires regular inspections for all impoundments. At IAC 1816.49(a)(10) (discussed below), Illinois requires annual inspections for non-MSHA size impoundments. Therefore, the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is revising IAC 1816.49(a)(9)(B) to require that all other impoundments be inspected at least weekly during construction and upon completion of construction. A sealed report shall be forwarded to the State within thirty days after the inspection certifying the impoundment has been constructed as designed. The content requirements of the reports have been deleted from this section but are addressed in IAC 1816.49(a)(10) (discussed below). The corresponding Federal regulation at 30 CFR 816.49(a)(10)(ii) requires that regular inspections of impoundments include a certifying report. The content of the report is also specified. The intent of the Federal rule is to ensure impoundments are designed and constructed so as to achieve necessary stability with an adequate safety margin. IAC 1816.49(a)(10) requires that impoundments be examined for stability and hazardous conditions and that a certified report be submitted by the examining engineer. The Director finds that the report requirements need only apply to the postconstruction annual reports required by the State to ensure sufficient impoundment stability, since the impoundments are not being used to impound water or other material until after completion of construction. He also finds that the required elements of the report are adequately addressed in IAC 1816.49(a)(10) because of the all-inclusive requirement that the report discuss any other aspects of the structure affecting stability. Therefore, the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1816.49(a)(9)(C) to authorize State approval of the retention of inspection reports away from the mine site if there is no permanent mine office. The corresponding Federal regulation at 30 CFR 816.49(a)(10)(iii) requires that the reports be retained at or near the mine site. The Director acknowledges that a permanent mine office may not exist in some situations. In those cases, as a matter of practicality, it may be necessary to retain the inspection reports away from the mine site. The Director finds that the State's revision does not render the proposed regulation less effective than its Federal counterpart as long as the records are retained in the general area of the mining and are conveniently available to the public.

Illinois is amending IAC 1816.49(a)(10) to require that at least one of the quarterly examinations, if required, of impoundments which do not meet the size of other qualifying criteria of 30 CFR 77.216(a) be sealed by a qualified registered professional engineer and contain a discussion of the stability of the structure with a statement indicating the pond has been maintained in accordance with the approved plan. This section is further amended to delete the examination, inspection and certification requirements for all impoundments that (a) Are completely incised, (b) impound water to a design elevation no more than five feet above the upstream toe and have a storage volume of not more than twenty acre/feet, or (c) do not facilitate mining or reclamation such as, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, and active mining pits and differential settlement pools. The operator must first demonstrate, however, the failure of the structure will not create a potential threat to the public or cause significant environmental harm. The State must approve the exemption.

Section 515 of SMCRA requires that impoundments be designed to achieve necessary stability with an adequate margin of safety. The corresponding Federal regulations at 30 CFR 816.49(a)(10) and (11) apply examination, inspection and certification requirements to all temporary and permanent impoundments as an added safeguard against failure which would result in damage to downstream structures or significant harm to the environment.

In its defense of the change to exempt certain small, non-hazardous impoundments from the quarterly examination by a qualified person and annual inspection by a qualified professional engineer, the State argued the topography, soils, and history of impoundment success in Illinois provide sufficient basis for using a size distinction to determine the degree of operator surveillance.

On September 14, 1987, the Director of OSM signed a policy statement (OSM Directive TSR–2, No. 375, September 14, 1987) that exempted small, non-hazardous, incised impoundments from quarterly examination requirements. The Director rationalized that since such impoundments have no impounding structure or embankment, the stability

would not be a concern. This same logic would apply to the annual inspection. However, the Director recognizes that the annual inspection required at 30 CFR 816.49(a)(10)(i) serves two additional purposes: (a) To provide for written notification of the inspection findings to the regulatory authority, and (b) to evaluate the suitability of the impoundment for its intended use. Because the impoundments would continue to be subject to a quarterly inspection by the State's field inspectors, who are certified as impoundment inspectors by the U.S. Mine Safety and Health Administration, the notification requirement would be met. Since the State's field inspectors are completely familiar with the approved permit, the quarterly complete inspection conducted by the State should be adequately to evaluate the suitability of the impoundment for its intended use. For these reasons, the Director finds that this revision will not render the proposed State rule less effective than its Federal counterpart.

The Director finds that provided Illinois strictly limits the exemption for impoundments which do not facilitate mining or reclamation so as not to exempt impoundments which are part of any surface coal mining operation or impoundments created to complement postmining land use, these types of impoundments may be exempt from the annual inspection and quarterly examination requirements in 30 CFR 816.49(a) (10) and (11). The Director finds that the definition of "impoundment" in 30 CFR 701.5 as applied in context would not extend to those water bodies which are neither used as part of surface coal mining and reclamation operations or created to facilitate or complement the postmining land use. This interpretation is consistent with the definitions of "permanent impoundment" and "temporary impoundment" in 30 CFR 701.5 and the provisions of 30 CFR 816.49(a) which states that the requirements in question apply only to temporary and permanent impoundments. For this reason, the Director finds that this revision will not render the proposed State rule less effective than its Federal counterpart.

The Director is deferring a decision on the proposed exemption for those impoundments storing less than twenty acre/feet of water with an embankment less than five feet until a technical evaluation is completed.

Illinois is amending IAC 1816.49(b)(9) to require that permanent impoundments be provided with a spillway that will safely discharge a twenty-five year, six hour precipitation event. Illinois is also adding the requirement that certain larger permanent impoundments be provided with a spillway that will safely discharge a one hundred year, six hour event. As the proposed revisions are identical to the Federal provisions at 30 CFR 816.49(a)(8)(ii), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is adding IAC 1816.49(b)(10) to authorize that in lieu of a combination of principal and emergency spillways, an impoundment may have a single spillway meeting certain design and construction requirements. As the proposed revision is identical to the Federal provision at 30 CFR 816.49(a)(8)(i), the Director finds the proposed State rule is no less effective than its Federal counterpart.

Illinois is amending IAC 1816.49(c) to require that temporary impoundments be provided with a spillway that will safely discharge a twenty-five year, six hour event. Illinois is also adding the requirement that certain larger temporary impoundments be provided with spillways that will safely discharge a one hundred year, six hour precipitation event. As the proposed revisions are identical to the Federal provisions at 30 CFR 816.49(a)(8)(ii), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is adding IAC 1816.49(c)(2) to authorize that in lieu of a combination principal and emergency spillway, an impoundment may have a single spillway meeting certain design and construction requirements. As the proposed revision is identical to the Federal regulation at 30 CFR 816.49(a)(8)(i), the Director finds the proposed State rule no less effective than its Federal counterpart.

(b) *Explosives.* In its initial submission of July 17, 1989, Illinois proposed to amend IAC 1816.61(c) to place limitations on certain requirements specified in other regulations to blasts using more than twenty-five pounds of explosives. However, in its revised submission of April 10, 1990, Illinois elected to withdraw its revision.

Similarly, in its July 17, 1989 submission, Illinois proposed to amend IAC 1816.64(c)(1) to require a public notice of blasting for all blasts.

The five pound exemption was deleted. In its revised submission of April 10, 1990, Illinois elected to withdraw its revision.

Illinois is amending IAC 1816.67(c)(1) to change the cube root scaled distance for the protection of structures from 500 to 350. The Federal regulations at 30 CFR 816.67(b) do not address the cube root scale distance formula. However, as part of its approved program, the State utilizes the formula as a viable alternative in the determination of air-blast compliance. Technical studies indicate the proposed reduction will not result in unacceptable levels of air-blast. Therefore, the Director finds the proposed State rule will not render the State program less effective than the general Federal regulations at 30 CFR 816.67(b).

Illinois is amending IAC 1816.67(g) to change the scaled distance value used in measuring ground vibration limits from 60 to 65. As the proposed revision is identical to the Federal provision at 30 CFR 816.67(d)(2), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1816.68(a) to delete "wind velocity and direction" from the list of factors required in the blast record. The Federal regulations at 30 CFR 816.68(e) require that recorded blast data address weather conditions, including those which may cause adverse blasting effects. The Director therefore finds the proposed State rule to be less effective than the Federal regulation and is not approving the deletion.

(c) *Coal mine waste.* Illinois is amending IAC 1816.83(a)(3) to change a reference pertaining to underdrain compliance from 1816.73 to 1816.71(1)(2). As the proposed revision is consistent with the Federal provision at 30 CFR 816.83(a)(3), the Director finds it no less effective than its Federal counterpart.

(d) *Fish and wildlife protection.* Illinois is amending IAC 1816.97(b) to prohibit surface mining activity which is likely to jeopardize endangered or threatened species or which is likely to destroy or adversely modify designated critical habitats. The operator is required to report to the State any State or federally-listed endangered or threatened species within the permit area. As the proposed State rule is identical to the corresponding Federal rule at 30 CFR 816.97(b), the Director finds it no less effective than its Federal counterpart.

Illinois is amending IAC 1816.97(e) to add the requirement that the operator fence, cover, or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials. As the proposed State rule is identical to the corresponding Federal rule at 30 CFR 816.97(e)(4), the Director finds it no less effective than its Federal counterpart.

(e) *Slides and other damage.* Illinois is amending IAC 1816.99(c) to replace a reference to "highwall" with "excavation" and to apply certain distance measurements to "any" excavation. The Federal regulations do not have a corresponding provision to paragraph (c). However, the Director finds that the proposed revisions are not inconsistent with and therefore do not render the State rule less effective than the general Federal provisions concerning slides at 30 CFR 816.99.

(f) *Backfilling and grading.* Illinois is amending IAC 1816.102(a)(2) to change a reference to previously mined highwalls from subsection (k)(3)(iii) to (k)(3)(C). As this change correctly references the appropriate subsection and is consistent with the Federal regulation at 30 CFR 816.102(a)(2), the Director finds it no less effective than its Federal counterpart.

14. IAC 1817 Permanent Program Performance Standards—Underground Mining Operations

(a) *Impoundments.* Illinois is amending IAC 1817.49(a)(9) to require that the professional engineer or specialist conducting impoundment inspections be experienced in the construction of impoundments as evidenced by the placement of a seal on the inspection report. The Federal rule at 30 CFR 817.49(a)(10) does not require a seal. The Director finds that the proposed State rule is not inconsistent with nor less effective than its Federal counterpart.

Illinois is amending IAC 1817.49(a)(9)(A) to delete the requirement that all impoundments be inspected regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond. The proposed revision requires regular inspections only for those impoundments meeting the MSHA standards specified in 30 CFR 77.216(a), i.e., large impoundments. Annual status reports for these large impoundments are required to be submitted to the State within thirty days after the reporting period. The Federal regulation at 30 CFR 817.49(a)(10)(i) requires regular inspections for all impoundments. At IAC 1817.49(a)(10) (discussed below), Illinois requires annual inspections for non-MSHA size impoundments. Therefore, the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is revising IAC 1817.49(a)(9)(B) to require that all other impoundments be inspected at least weekly during construction and upon completion of construction. A sealed report shall be forwarded to the State within thirty days after the inspection certifying the impoundment has been constructed as designed. The content requirements of the reports have been deleted from this section but are addressed in IAC 1817.49(a)(10) (discussed below). The corresponding Federal regulation at 30 CFR 817.49(a)(10)(ii) requires that regular inspections of impoundments include a certifying report. The content of the report is also specified. The intent of the Federal rule is to ensure impoundments are designed and constructed so as to achieve necessary stability with an adequate safety margin. IAC 1817.49(a)(10) requires that impoundments be examined for stability and hazardous conditions and that a certified report be submitted by the examining engineer. The Director finds that the report requirements need only apply to the post-construction annual reports required by the State to ensure sufficient impoundment stability, since the impoundments are not being used to impound water or other materials until after completion of construction. He also finds that the required elements of the report are adequately addressed in IAC 1817.49(a)(10) because of the all-inclusive requirement that the report discuss any other aspects of the structure affecting stability. Therefore, the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1817.49(a)(9)(C) to authorize State approval of the retention of inspection reports away from the mine site if there is no permanent mine office. The corresponding Federal regulation at 30 CFR 817.49(a)(10)(iii) requires that reports be retained at or near the mine site. The Director acknowledges that a permanent mine office may not exist in some situations. In those cases, as a matter of practicality, it may be necessary to retain the inspection reports away from the mine site. The Director finds that the State's revision does not render the proposed regulation less effective than its Federal counterpart as long as the records are retained in the general area of the mining and are conveniently available to the public.

Illinois is amending IAC 1817.49(a)(10) to require that at least one of the quarterly examinations, if required, of impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) be sealed by a qualified registered professional engineer and contain a discussion of the stability of the structure with a statement indicating the pond has been maintained in accordance with the approved plan. This section is further amended to delete the examination, inspection and certification requirements for all impoundments that (a) Are completely incised, (b) impound water to a design elevation no more than five feet above the upstream toe and have a storage volume of not more than twenty acre/feet, or (c) do not facilitate mining or reclamation such as, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools. The operator must first demonstrate, however, that failure of the structure will not create a potential threat to the public or cause significant environmental harm. The State must approve the exemption.

Section 515 of SMCRA requires that impoundments be designed to achieve necessary stability with an adequate margin of safety. The corresponding Federal regulations at 30 CFR 817.49(a)(10) and (11) apply examination, inspection and certification requirements to all temporary and permanent impoundments as an added safeguard against failure which would result in damage to downstream structures or significant harm to the environment.

In its defense of the change to exempt certain small, non-hazardous impoundments from the quarterly examination and annual inspection by a qualified professional engineer, the State argued the topography, soils, and history of impoundment success in Illinois provide sufficient basis for using a size distinction to determine the degree of operator surveillance.

On September 14, 1987, the Director of OSM signed a policy statement (OSM Directive TSR–2, No. 375, September 14, 1987) that exempted small, non-hazardous, incised impoundments from quarterly examination requirements. The Director rationalized that since such impoundments have no impounding structure or embankment, stability would not be a concern. This same logic would apply to the annual inspection.

However, the Director recognizes that the annual inspection required at 30 CFR 817.49(a)(10)(i) serves two additional purposes: (a) To provide for written notification of the inspection findings to the regulatory authority, and (b) to evaluate the suitability of the impoundment for its intended use. Because the impoundments would continue to be subject to a quarterly inspection by the State's field inspectors, who are certified as impoundment inspectors by the U.S.

Mine Safety and Health Administration, the notification requirement would be met. Since the State's field inspectors are completely familiar with the approved permit, the quarterly complete inspection conducted by the State should be adequate to evaluate the suitability of the impoundment for its intended use. For these reasons, the Director finds that this revision will not render the proposed State rule less effective than its Federal counterpart.

The Director finds that provided Illinois strictly limits the exemption for impoundments which do not facilitate mining or reclamation so as not to exempt impoundments which are part of any surface coal mining operation or impoundments created to complement postmining land use, these types of impoundments may be exempt from the annual inspection and quarterly examination requirements in 30 CFR 817.49(a) (10) and (11). The Director finds that the definition of "impoundment" in 30 CFR 701.5 as applied in context would not extend to those water bodies which are neither used as part of surface coal mining and reclamation operations or created to facilitate or complement the postmining land use. This interpretation is consistent with the definitions of "permanent impoundment" and "temporary impoundment" in 30 CFR 701.5 and the provisions of 30 CFR 817.49(a) which states that the requirements in question apply only to temporary and permanent impoundments. For this reason, the Director finds that this revision will not render the proposed State rule less effective than its Federal counterpart.

The Director is deferring a decision on the proposed exemption for those impoundments storing less than twenty acre/feet of water with an embankment less than five feet until a technical evaluation is completed.

Illinois is amending IAC 1817.49(b)(9) to require that permanent impoundments be provided with a spillway that will safely discharge a twenty-five year, six hour precipitation event. Illinois is also adding the requirement that certain larger permanent impoundments be provided with a spillway that will safety discharge a one hundred year, six hour event. As the proposed revisions are identical to the Federal provisions at 30 CFR 817.49(a)(8)(ii), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is adding IAC 1817.49(b)(10) to authorize that in lieu of a combination of principal and emergency spillways, an impoundment may have a single spillway meeting certain design and construction requirements. As the proposed revision is identical to the Federal provision at 30 CFR 817.49(a)(8)(i), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1817.49(c) to require that temporary impoundments be provided with a spillway that will safely discharge a twenty-five year, six hour event. Illinois is also adding the requirement that certain larger temporary impoundments be provided with spillways that will safely discharge a one hundred year, six hour precipitation event. As the proposed revisions are identical to the Federal provisions at 30 CFR 817.49(a)(8)(ii), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is adding IAC 1817.49(c)(2) to authorize that in lieu of a combination principal and emergency spillway, an impoundment may have a single spillway meeting certain design and construction requirements. As the proposed revision is identical to the Federal regulation at 30 CFR 817.49(a)(8)(i), the Director finds the proposed State rule no less effective than its Federal counterpart.

(b) *Explosives.* In its initial submission of July 17, 1989, Illinois proposed to amend IAC 1817.61(d) to place limitations on certain requirements specified in other regulations to blasts using more than twenty-five pounds of explosives. However, in its revised submission of April 10, 1990, Illinois elected to withdraw its revision.

Illinois is amending IAC 1817.64(a) to require that the mine operator notify the State of the proposed times and locations of blasting operations. The Federal regulation at 30 CFR 817.64(a) requires only that the residents and local governments be notified. The Director finds the proposed State rule to be no less effective than its Federal counterpart.

Illinois is amending IAC 1817.66 (a) and (c) to change the term "blasting area" to "blasting site." Although the Federal regulation at 30 CFR 817.55 uses the term "blasting area," the Director acknowledges that "site" may be more appropriate than "area" for underground mines where blasting usually involves shaft development and therefore refers to a specific location. For this reason, the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending IAC 1817.67(c)(1) to change the cube root scaled distance for the protection of structures from 500 to 350. The Federal regulations at 30 CFR 817.67(b) do not address the cube root scaled distance formula. However, as part of its approved program, the State utilizes the formula as a viable alternative in the determination of air-blast compliance. Technical studies indicate the proposed reduction will not result in unacceptable levels of air-blast. Therefore, the Director finds the proposed State rule will not render the State program less effective than the general Federal regulations at 30 CFR 817.67(b).

Illinois is amending IAC 1817.67(g) to change the scaled distance value used in measuring ground vibration limits from 60 to 65. As the proposed revision is identical to the Federal provision at 30 CFR 817.67(d)(2), the Director finds the proposed State rule no less effective than its Federal counterpart.

Illinois is amending 1817.68(a) to delete "wind velocity and direction" from the list of factors required in the blast record. The Federal regulations at 30 CFR 817.68(e) require that recorded blast data address weather conditions, including those which may cause adverse blasting effects. The Director therefore finds the proposed State rule to be less effective than the Federal regulation and it is not approving the deletion.

(c) *Coal mine waste.* Illinois is amending IAC 1817.83(a)(3) to change a reference pertaining to underdrain compliance from 1817.73 to 1817.71(1)(2). As the proposed revision is consistent with the Federal provision at 30 CFR 817.83(a)(3), the Director finds it no less effective than its Federal counterpart.

(d) *Fish and wildlife protection.* Illinois is amending IAC 1817.97(b) to prohibit surface mining activity which is likely to jeopardize endangered or threatened species or which is likely to destroy or adversely modify designated critical habitats. The operator is required to report to the State any State or federally-listed endangered or threatened species within the permit area. As the proposed State rule is identical to the corresponding Federal rule at 30 CFR 817.97(b), the Director finds it no less effective than its Federal counterpart.

Illinois is amending IAC 1817.97(e) to add the requirement that the operator fence, cover, or use other appropriate methods to exclude wildlife from ponds which contain hazardous concentrations of toxic-forming materials. As the proposed State rule is identical to the corresponding Federal rule at 30 CFR 817.97(e)(4), the Director finds it no less effective than its Federal counterpart.

(e) *Subsidence control.* Illinois is amending IAC 1817.122 to require the

operator to maintain copies of all public notices mailed to property owners notifying them of proposed mining operations and to make the copies available for inspection by the State. The corresponding Federal rule at 30 CFR 817.122 does not have this requirement. However, the Director finds the proposed revision to be not inconsistent with and therefore no less effective than the general Federal regulations concerning public notice.

15. IAC 1843 State Enforcement

Illinois is amending IAC 1843.11(a)(2) to delete the provision that reclamation operations conducted without a valid mining permit constitute a condition which may cause significant environmental harm. As the revised State rule is identical to the corresponding Federal rule at 30 CFR 843.11(a)(2), the Director finds it no less effective than its Federal counterpart.

Illinois is adding IAC 1843.11(g) to require that within sixty days after issuing a cessation order, the State shall notify in writing any person who has an ownership or control relationship with the permittee that the order was issued and that the person has been identified as an owner or controller. As the revised State rule is substantively identical to the corresponding Federal regulation at 30 CFR 843.11(g), the Director finds it no less effective than its Federal counterpart.

16. IAC 1846 Individual Civil Penalties

Illinois is adding IAC section 1846 as a counterpart to the Federal regulations at 30 CFR part 846. As the proposed State rule is identical to the Federal regulation at 30 CFR part 846, the Director finds it no less effective than its Federal counterpart.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the August 24, 1989, **Federal Register** ended on September 25, 1989. In the May 11, 1990, **Federal Register**, the public comment period was reopened until May 29, 1990 to afford the public an opportunity to once again consider the proposals in light of additional information submitted by Illinois. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Illinois program.

The U.S. Soil Conservation Service concurred without comment. The U.S. Fish and Wildlife Service (FWS) expressed concern that some clarification may be required in the rulemaking to assure appropriate consideration for fish and wildlife resources. The FWS submitted specific comments for many of the IAC sections discussed in this rule. The comments are addressed below by subject heading.

(1) IAC 1701 General Definitions

The FWS commented that many of the terms used in this section require definition. It suggests the terms: "air environment," "water environment," "water resources," "fish and wildlife habitat," "important," "valuable and critical habitats," "wetlands," and "significant imminent environmental harm" be defined to ensure reader comprehension of the concepts presented. The FWS also commented that the definition of the term "substantially disturb" is inadequate in that it appears to allow coal exploration that may affect threatened species and wetlands. Finally, the FWS commented that land use classifications should be indented and properly separated for the purpose of clarity, and that "undeveloped" land should be deleted as an example of a recreational land use.

The Director notes, however, that the specific regulations identified by the commentor are not being amended and are not the subject of any previous 30 CFR part 732 notification. The comments are therefore outside the scope of the proposed rulemaking.

(2) IAC 1772 Requirements for Coal Exploration

The FWS commented that the coal exploration permit map requirements should be expanded to show certain additional land features and uses such as streams, wetlands and vegetative cover. Further, consideration should be given to species proposed for Federal and State listing. The State should also show that exploration will not affect any known endangered or threatened species.

The Director notes, however, that the specific regulations identified by the commentor are not being amended and the comments are therefore outside the scope of the proposed rulemaking.

(3) IAC 1780 Surface Mining Permit Application

The FWS commented that permit applications should include resource information for areas outside the permit and adjacent areas. In response, the Director notes that "adjacent area" is defined to mean the area where a resource is, or reasonably would be expected to be, adversely impacted by proposed mining operations. Therefore, the scope and level of detail of the resource information required for the permit and adjacent areas is sufficient to insure a meaningful and effective fish and wildlife protection plan.

The FWS commented that the terms "unusually high value" and "important" should be deleted from the description of habitats and land features found in IAC 1780.16(a)(2)(B) to insure identification of all habitats. The Director finds that the types of habitats provided as examples are representative but not exclusive of the types the regulatory authority should consider. Further, the permit applicant is required to identify other habitats identified through agency consultation as requiring special protection. Therefore, the proposed regulation provides for the proper identification of habitats.

The FWS commented that the "Protection and Enhancement Plan" section should be divided into three sections addressing interim conditions, the reclamation plan, and the maintenance and management of reclaimed habitats. The Director notes that the current organization of this section adequately addresses species and habitat protection. Further, the FWS is authorized to review the resource information provided by the permit applicant. Finally, as noted in Finding 9(a), IAC 1780.16 is substantively identical to its Federal counterpart at 30 CFR 780.16.

The FWS commented that the terms "protection plan" and "protective measures" appear to be means to minimize adverse impacts prior to and during mining. Further, the area of impact to habitats should be limited to the permit area and mitigation efforts must be required at the affected location. The FWS also commented that "enhancement measures" should mean the reclamation efforts to reestablish lost habitats and values from the date of loss until replacement. Also, the use of the term "practicable" is not appropriate since habitats must be replaced or mining prohibited. The Director notes that IAC 1780.16 is substantively identical to the Federal regulations at 30 CFR 780.16.

The FWS commented that the term "nest structures" is preferable to the existing "nest boxes." The Federal regulation at 30 CFR 780.16(b)(3)(ii), however, uses the term "nest boxes." The FWS also suggests the deletion of the last sentence of the paragraph to assure that no net loss of wetlands or habitat values occurs. The Director notes that section 515(b)(24) does not require specific enhancement measures but rather requires each operation to achieve enhancement where practicable. Enhancement may not be practicable in all situations. The Director finds that the proposed language provides an adequate description of the required enhancement provisions.

(4) IAC 1784 Underground Mining Permit Applications

The FWS commented that wetlands should be mentioned in IAC 1784.14(b)(2) (cited by the FWS as 1784.14(a)(b)(2)) and in IAC 1784.14(i) to assure consideration for these resources. The Director finds, however, that the specific regulations identified by the commentor are not being amended and the comments are therefore outside the scope of the proposed rulemaking.

The FWS also reiterates comments made regarding provisions in IAC 1780.16 concerning areas affected outside the permit and adjacent areas, the identification of all habitats, and the reorganization of the section addressing fish and wildlife habitat. The Director's response is the same as that provided in the response to the FWS comments pertaining to IAC 1780.16.

(5) IAC 1800 Bonding and Insurance Requirements

The FWS commented that the bond release applicant should be required to certify that the completed portion of the reclamation will be protected and not be affected by the remaining reclamation effort.

The Director notes that the applicant must protect the completed reclamation to avoid enforcement action and to ensure final bond release. This provides adequate incentive and a certification provision is therefore unnecessary.

(6) IAC 1816 Performance Standards—Surface Mining

The FWS repeats the comment made regarding IAC 1780 that the terms "important" as it defines species and "of unusually high value" as it describes habitats be deleted. The Director's response is the same as that provided in the response to the FWS comments pertaining to IAC 1780.16(a)(2)(B).

The FWS commented that the term "cover" as used in IAC 1816.97(f) should mean all habitat functions in addition to food. Also, examples of other management practices should be added to IAC 1816.97(h), which addresses cropland as a post-mining use. The Director finds, however, that the specific regulations identified by the commentor are not being amended and are therefore outside the scope of the proposed rulemaking.

The FWS supports the creation of wetland habitats.

(7) IAC 1817 Performance Standards—Underground Mining

The FWS commented that the mine operator should be required to discuss pre-subsidence construction and habitat manipulation with the surface owner and appropriate resource agencies. Further, the operator should be required to conduct enhancement activities in all cases, not just "where practicable." The Director finds, however, that the specific regulation identified by the commentor is not being amended and is therefore outside the scope of the proposed rulemaking.

The FWS commented that protection should be extended to those endangered or threatened species proposed to be listed by the Department of the Interior. The Federal regulations at 30 CFR 817.97(b) prohibit mining activity which is likely to jeopardize any endangered or threatened species listed by the Secretary. The Director finds the proposed Illinois regulation at IAC 1817.97(b) to be no less effective than its Federal counterpart.

The FWS commented that the wording of paragraph (c) should be revised to show that all listed species are protected from harm, taking, harassment, etc. The Director notes that the specific regulation identified by the commentor is not being amended and is therefore outside the scope of the proposed rulemaking.

The FWS repeats several comments made regarding IAC 1816. The term "unusually high value" as it refers to habitats in IAC 1817.97(f) should be deleted; the term "cover" in IAC 1817.97(g)(2) should mean all habitat functions in addition to food; and examples of management practices should be added to IAC 1817.97(h) which addresses cropland as post-mining use. The Director notes, however, that the specific regulations identified by the commentor are not being amended and are therefore outside the scope of the proposed rulemaking.

(8) IAC 1843 State Enforcement

The FWS commented that harm to fish and wildlife resources be included in the definition for land, air or water resources.

The Director notes that the specific regulation identified by the commentor is not being amended and is therefore outside the scope of the proposed rulemaking.

(9) IAC 1846 Individual Civil Penalties

The FWS commented that IAC 1846.12 should be revised to show that violations of the Endangered Species Act of 1973, as amended, or other Federal laws may require assessing an immediate penalty. Also, in the determination of individual civil penalty amounts pursuant to IAC 1846.14(a), Federal laws should be referenced. The Director notes, however, under the Illinois program, violations of performance standards and permit conditions will result in the issuance of violation notices or cessation orders and the subsequent assessment of penalties. Individual civil penalties will be assessed if appropriate to do so. However, the Federal regulations contain no requirement to assess an individual civil penalty for a violation of the Endangered Species Act of 1973. IAC 1846.14(a) cross-references section 8.04(a) of the Illinois Surface Coal Mining Land Conservation and Reclamation Act. This subsection is substantively identical to section 518(a) of SMCRA, the provision which is cross-referenced in 30 CFR 846.14(a).

Director's Decision

Based on the above findings, the Director is approving the amendments to the Illinois regulatory program submitted on July 17, 1989, with the exception of the provisions found not to be in accordance with the SMCRA or not consistent with the Federal regulations. Those provisions not approved and requiring further amendment are addressing in Director's Findings Numbers 5, 13 and 14. Action is being deferred to IAC 1816.49(a)(10)(B) and 1817.49(a)(10)(B).

The Federal rules at 30 CFR part 913 concerning the Illinois program are being amended to implement the Director's decision. This final rule is being made effective immediately on August 29, 1990, to expedite the State program amendment process and to encourage states to conform their programs to the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provision of a State program amendment that relates to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The EPA concurred without comment.

VI. Procedural Determinations.

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 913

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: August 20, 1990.

Carl. C. Close,

Assistant Director, Eastern Service Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 913—ILLINOIS

1. The authority citation for part 913 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. In § 913.15, a new paragraph (k) is added to read as follows:

§ 913.15 Approval of Regulatory Program Amendments.

* * * * *

(k) The following amendments submitted to OSM on July 17, 1989, are approved effective August 29, 1990, with the exceptions identified herein. The amendments consist of the following modifications to the Illinois program:

(1) Revisions of the following rules of title 62 of the Illinois Administrative Code:

1700.11 Applicability of Regulations
1701 Definitions
1761.11 Areas Where Mining is Prohibited or Limited
1761.12 Procedures for Identifying Areas Where Mining is Prohibited
1772.12 Permit Requirements for Coal Exploration
1773.11 Requirements to Obtain Permits
1773.15 Review of Permit Applications
1773.17 Permit Conditions
1773.19 Permit Issuance and Right of Renewal
1774.15 Permit Renewals
1774.17 Transfer, Sale, or Assignment of Permit Rights
1778.13 Permit Application Requirements for Identification of Interests
1778.14 Permit Applicant Requirements for Violation Information
1779.12 Surface Mining Permit Application Requirements for Environmental Resources Information
1780.16 Surface Mining Permit Application Requirements for Fish and Wildlife Plan
1780.21 Surface Mining Permit Application Requirements for Hydrologic Information
1780.31 Surface Mining Permit Application Requirements for Protection of Public Parks and Historic Places
1783.12 Underground Mining Permit Application Requirements for Environmental Resources Information
1784.14 Underground Mining Permit Application Requirements for Hydrologic Information
1784.17 Underground Mining Permit Application Requirements for Protection of Public Parks and Historic Places
1784.21 Underground Mining Permit Application Requirements for Fish and Wildlife Plan
1800.21 Bonding and Insurance Requirements; Collateral Bonds
1800.40 Requirements to Release Performance Bonds
1800.60 Terms and Conditions for Liability Insurance
1816.49 Permanent Program Performance Standards for Surface Mining Activities; Impoundments (except for the deferral of the exemption for impoundments of five feet or less in height and twenty acre-feet or less in volume contained in 1816.49(a)(10)(B))
1816.61 Use of Explosives; General Requirements
1816.64 Use of Explosives; Public Notice
1816.67 Use of Explosives; Control of Adverse Effects
1816.68 Use of Explosives; Records of Blasting Operations
1816.83 Coal Mine Waste; Refuse Piles
1816.97 Protection of Fish, Wildlife and Related Environmental Values
1816.99 Slides and Other Damage
1816.102 Backfilling and Grading; General Requirements
1817.49 Permanent Program Performance Standards for Underground/Operations Mining Impoundments (except for deferral of the exemption for impoundments of five feet or less in height and twenty acre-feet or less in volume contained in 1817.49(a)(10)(B))
1817.61 Use of Explosives; General Requirements
1817.64 Use of Explosives; General Performance Standards
1817.66 Use of Explosives; Blasting Signs, Warnings and Access Control
1817.67 Use of Explosives; Control of Adverse Effects
1817.68 Use of Explosives; Records of Blasting Operations
1817.83 Coal Mine Waste; Refuse Piles
1817.97 Protection of Fish, Wildlife and Related Environmental Values
1817.122 Subsidence Control; Public Notice
1843.11 State Enforcement; Cessation Orders

(2) Addition of the following rules to title 62 of the Illinois Administrative Code:

1773.5 Requirements for Permits and Permit Processing; Definitions
1773.20 Improvidently Issued Permits; General Procedures
1773.21 Improvidently Issued Permits; Rescission Procedures
1846 Individual Civil Penalties

3. Section 913.16 is amended by adding an introductory paragraph and paragraphs (e) and (f) to read as follows:

§ 913.16 Required Program Amendments.

Pursuant to 30 CFR 732.17, Illinois is required to submit for OSM's approval the following proposed amendments by the dates specified:

* * * * *

(e) By September 28, 1990, Illinois shall submit for OSM approval an amendment to 62 IAC 1773.5 or otherwise propose to amend its program to require that the definition of "ownership and control" include specific relationships no less effective than those of 30 CFR 773.5. In IAC 1773.5, the use of the word "or" should be replaced by the word "and."

(f) By September 28, 1990, Illinois shall submit for OSM approval an amendment to 62 IAC 1816.68(a) and 1817.68(a) or otherwise propose to amend its program to require that recorded blast data address weather conditions.

4. Section 913.17 is amended by adding paragraph (d) to read as follows:

§ 913.17 State Regulatory Program Provisions and Amendments Disapproved.

* * * * *

(d) In 62 IAC 1816.68(a) and 1817.68(a), as submitted by Illinois on July 17, 1989, the deletion of "wind velocity and direction" from the list of factors required in the blast records is disapproved.

[FR Doc. 90-20201 Filed 8-28-90; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS *Gettysburg* (CG-64) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: August 14, 1990.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS *Gettysburg* (CG-64) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, the placement of the after masthead light, and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval cruiser. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. § 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS GETTYSBURG	CG-64		X	X	38

Dated: August 14, 1990.

Approved:

E. D. Stumbaugh,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

[FR Doc. 90-20304 Filed 8-28-90; 8:45 am]
BILLING CODE 3810-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 201-1 and 201-41

[FIRMR Amendment 20]

Mandatory Federal Telecommunications System 2000 (FTS2000) Network

AGENCY: Information Resources Management Service, GSA.

ACTION: Final rule.

SUMMARY: This amendment provides for the mandatory use of FTS2000 intercity voice, data, and video services when made available on that network. This regulation, issued pursuant to the Brooks Act (40 U.S.C. 759), requires the use of the FTS2000 network by Federal agencies for procurements subject to the Act unless otherwise provided for by law. This regulation also implements the Congressional intent set forth in section 621 of Public Law 101-136 (November 3, 1989; 103 Stat. 783) which requires that Federal agencies must use the FTS2000 network for procurements subject to the Brooks Act. GSA may grant exceptions to agencies for unique procurement requirements which cannot be satisfied by the FTS2000 network. This regulation also supersedes and cancels FIRMR Interim Rule 1 (July 29, 1988; 53 FR 28638).

EFFECTIVE DATE: September 28, 1990, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT: William R. Loy, GSA, Regulations Branch (KMPR), Office of Information Resources Management Policy, telephone (202) 501-3194 or FTS 241-3194.

SUPPLEMENTARY INFORMATION: (1) The Conference Report to Public Law 100-202 (H.R. Conf. Rep. No. 100-498, 100th Cong.; 1st Sess. 1166, December 22, 1987) specified that by July 1988 GSA publish regulations to require Federal agencies subject to the Brooks Act (40 U.S.C. 759) to use the planned FTS2000 network to the maximum extent possible. GSA, therefore, published Interim Rule 1 (July 29, 1988; 53 FR 28638) regarding the use

of the mandatory FTS2000 network, with procedures for an agency to request an exception to such use.

(2) Section 627 of Public Law 100–440 (September 22, 1988; 102 Stat. 1757), and subsequently section 621 of Public Law 101–136 (November 3, 1989; 103 Stat. 783), require that Federal agencies cannot expend appropriated monies to procure products or services that are subject to the Brooks Act and that are available on the FTS2000 network unless (1) such product or service is obtained as part of the FTS2000 procurement or (2) GSA grants an exception to the use of the FTS2000 network for a unique agency procurement requirement that cannot be satisfied by the FTS2000 network, and the resultant agency procurement would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 network.

(3) Consistent with Public Law 101–136, the use of FTS2000 intercity voice, data, and video services is mandatory when such product or service is made available on the FTS2000 network. Specific information concerning the scope and availability of FTS2000 network services is provided in FIRMR Bulletin 60. This policy applies to Federal agencies' procurements subject to the Brooks Act unless excepted by GSA or unless otherwise provided for by law. Agencies may appeal a GSA denial of a request for an exception to OMB under the procedures in 40 U.S.C. 759(e) and § 201–1.102–2(c).

(4) Agencies need not seek exceptions to the use of the FTS2000 network for procurement requirements that were previously authorized and awarded under prior FIRMR provisions. However, unless GSA grants a requested exception, agencies must use available FTS2000 services that can satisfy those requirements upon completion of such contracts. Before exercising renewal options under existing contracts that will result in the provision of intercity telecommunications services after September 30, 1991, agencies shall obtain an interim exception to the use of the FTS2000 network. This interim exception will allow GSA and the agencies to plan an orderly transition to the FTS2000 network.

(5) This regulation cancels Interim Rule 1.

(6) In part 201–41, Routine changes and use of the Federal Telecommunications System (FTS), § 201–41.005 is amended by revising the section title and text consistent with the mandatory FTS2000 network provisions contained in section 621 of Public Law 101–136.

(7) A notice of proposed rulemaking for this amendment was published in the **Federal Register** (December 28, 1989; 54 FR 53330) indicating the availability of the proposed final rule for review and comment by interested parties. All comments received have been considered.

(8) GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. GSA decisions are based on adequate information concerning the need for, and the consequences of, the rule. This rule is written to ensure maximum benefits to Federal agencies. This Governmentwide management regulation will have little or no net cost effect on society. It is certified that this rule will not have a significant economic impact upon a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, et seq.).

List of Subjects in 41 CFR Parts 201–1 and 201–41

Federal telecommunications system, Government procurement, Government property management, Information resources activities, and Telecommunications.

PART 201–1—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATIONS SYSTEM

1. The interim rule amending § 201–1.103(c) which was published at 53 FR 28638 on July 29, 1988, is adopted as a final rule without change.

PART 201–41—ROUTINE CHANGES AND USE OF THE FEDERAL TELECOMMUNICATIONS SYSTEM (FTS)

2. The table of contents for part 201–41 is amended by revising the entry for § 201–41.005; and the authority citation for part 201–41 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

3. Section 201–41.005 is revised to read as follows:

§ 201–41.005 The mandatory FTS2000 network.

(a) *Scope.* This section prescribes policies and procedures regarding mandatory agency use of the FTS2000 intercity network.

(b) *General.*

(1) Section 621 of Public Law 101–136 (November 3, 1989; 103 Stat. 783) requires that Federal agencies must use the FTS2000 network for procurements subject to the Brooks Act (40 U.S.C. 759). GSA will grant exceptions to the use of the FTS2000 network when (i) the agency's procurement requirements are unique and cannot be satisfied by the FTS2000 network, and (ii) agency procurement would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 network.

(2) The FTS2000 network will provide Federal agencies modern up-to-date intercity telecommunications services over the life of the program. GSA will enhance existing services and add features to the FTS2000 network to maintain technologically current services and to improve services to user agencies. GSA will make service improvements in accordance with agencies' needs, contract provisions, governing regulations and statutes.

(3) Specific information concerning the scope and availability of FTS2000 services and procedures for obtaining FTS2000 network prices is provided in FIRMR Bulletin 60.

(c) *Policy.*

(1) Federal agencies shall use the FTS2000 network to satisfy intercity telecommunications procurement requirements which are within the scope of FTS2000 network voice, data, and video services as such services become available unless:

(i) The agency requests and obtains from GSA an exception to the use of the FTS2000 network based on a GSA determination that (A) the agency's procurement requirements are unique and cannot be satisfied by the FTS2000 network, and (B) agency procurement would be cost-effective and would not adversely affect the cost-effectiveness of the FTS2000 network;

(ii) The agency requests and obtains an interim exception to the use of the FTS2000 network from GSA based on an established date for transition to the FTS2000 network; or

(iii) An exception to the use of the FTS2000 network for the agency is otherwise provided by law.

(2) Unless any of the exceptions listed in paragraph (1) above apply to the procurement, and when overall procurement requirements include any agency intercity telecommunications requirements which are within the scope of FTS2000 services, Federal agencies shall require offerors in new awards subject to 40 U.S.C. 759 to satisfy those requirements by using the Government furnished services of the FTS2000 network as such services become available. For ease of determining and evaluating Government costs, Federal agencies also shall require offerors to unbundle FTS2000 services in their offers by separately describing and

pricing the FTS2000 services that satisfy Government requirements. However, the agency solicitation may prescribe an expected solution for the use of FTS2000. Offerors would then be required to separately price the Government-furnished services of FTS2000 only if their offers show a different use of FTS2000 than the Government's expected solution.

(3) Notwithstanding paragraphs (1) and (2) above, agencies may continue to use intercity telecommunications services and facilities provided under contracts previously authorized and awarded under prior FIRMR provisions without obtaining an exception to the use of the FTS2000 network. However, agencies shall use available FTS2000 services that can satisfy their procurement requirements upon expiration of such contracts. Before exercising renewal options under existing contracts that will result in the provision of intercity telecommunications services after September 30, 1991, agencies shall obtain an interim exception to the use of the FTS2000 network. This interim exception will allow GSA and the agencies to plan an orderly transition to the FTS2000 network.

(4) In planning for transition to the FTS2000 network, agencies shall be responsible for determining customer premise equipment requirements to achieve efficient interfaces with the type of FTS2000 services needed. However, agencies shall avoid duplicating FTS2000 services. Agencies shall avoid incorporating inherently intercity features (i.e., features that can be provided only as part of an intercity network) of the FTS2000 network in agency networks. A blanket exception to the use of the FTS2000 network is hereby provided to agencies with requirements for non-inherently intercity features to satisfy such features within a local network.

(d) *Procedures.*

(1) FIRMR Bulletin 60 describes the scope and availability of FTS2000 services, including procedures for ordering services. GSA will provide assistance in understanding and pricing the services available from the FTS2000 network and in developing plans for transition to the FTS2000 network. For assistance and information concerning the FTS2000 network, agencies should contact the General Services Administration, Information Resources Management Service, Office of Network Services (KN), Customer Services Branch, at the following locations:

AT&T Service Oversight Center, 7980 Boeing Court, Vienna, VA 22182–3988, Telephone Number: (703) 760–7530 FTS 393–7530.

US Sprint Service Oversight Center, 13221 Woodland Park Road, Herndon, VA 22071–3022, Telephone Number: (703) 904–2923 FTS 393–2923.

(2) FTS2000 services may be ordered without obtaining a delegation of procurement authority from GSA. Agencies seeking an exception to the use of the FTS2000 network are responsible for documenting their case. A complete agency request for an exception to the use of the FTS2000 network shall establish to the satisfaction of GSA that:

(i) The agency's procurement requirements are unique and cannot be satisfied by the FTS2000 network;

(ii) The agency's procurement would be cost-effective in accordance with the provisions of § 201–30.009 or § 201–38.010(b); and

(iii) The agency's procurement would not adversely affect the cost-effectiveness of the FTS2000 network. (The rebuttable presumption is that, if an agency procurement requirement is unique and the resultant procurement would be cost-effective, the agency procurement would not adversely affect the cost-effectiveness of the FTS2000 network.)

(3) An agency request for an interim exception to the use of the FTS2000 network shall be based on a GSA established date for transition of agency requirements to the FTS2000 network.

(4) Any agency exception request shall be sent to the General Services Administration, Information Resources Management Service, Authorizations Branch (KMAS), Washington, DC 20405. Initial decisions by GSA will be made on a case-by-case basis. GSA will make its decisions and respond to agencies within 20 working days.

(5) Agencies may conduct procurements for intercity telecommunications services and facilities without prior approval of GSA under part 201–23 when:

(i) The agency's requirements are within the scope of an exception to the use of the FTS2000 network provided by GSA; and

(ii) The total dollar value of the procurement with respect to telecommunications resources (including evaluated optional features and renewals over the life of the contract) does not exceed $2.5 million ($250,000 for a specific make and model specification or for requirements available from only one responsible source).

(6) An agency may appeal a GSA denial of a request for an exception to the Office of Management and Budget (OMB) under procedures in 40 U.S.C. 759(e) and § 201–1.102–2(c).

Dated: August 13, 1990.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 90–20358 Filed 8–28–90; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL MARITIME COMMISSION

46 CFR Parts 510, 580 and 582

[Docket No. 90–11]

Anti-Rebate Certification Tariff Cancellation and Rejection and License Suspension and Rejection

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Since imposing an anti-rebate certification requirement on common carriers and ocean freight forwarders under the Shipping Act of 1984, the Commission has experienced chronic non-compliance with these requirements. Therefore, the Commission is amending its anti-rebate certification and tariff regulations to provide for cancellation and rejection of tariffs of common carriers that do not file required anti-rebate certifications and do not publish tariff notices of such filings. The Commission also is amending its anti-rebate certification and freight forwarder regulations to provide for suspension of licenses and rejection of applications of ocean freight forwarders and applicants for license that do not file required anti-rebate certificates.

DATES: Effective September 28, 1990.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Acting Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 25073, (202) 523–5796.

SUPPLEMENTARY INFORMATION: Section 15 of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1714, mandates that the Federal Maritime Commission ("Commission" or "FMC") require the Chief Executive Officer ("CEO") of each common carrier to file with the Commission a written anti-rebate certification ("ARC") under oath. Section 15 also authorizes the Commission to require the CEO of each ocean freight forwarder to file with the Commission a written ARC under oath. Section 15 of the 1984 Act provides that whoever fails to file a required ARC is liable to the United States for a civil

penalty of not more than $5,000 for each day the violation continues.

Part 582 of the FMC rules, 46 CFR part 582, implements section 15 of the 1984 Act by establishing the content of ARCs and procedures governing their filing. 46 CFR 580.5(c)(2)(ii)(B) requires common carriers to file anti-rebate certifications on or before December 31 of each year. 46 CFR 510.25 requires freight forwarders to file anti-rebate certifications on or before December 31 of each year. 46 CFR 510.16 establishes the Commission's authority to suspend or revoke a freight forwarder's license for violation of any provision of the Shipping Act of 1984 or FMC orders and regulations.

Past experience indicates that civil penalty assessments are an ineffective and inefficient means of enforcing section 15 of the 1984 Act. To provide alternatives to civil penalties, the Commission proposed to amend its ARC and tariff regulations to provide for summary cancellation and rejection of tariffs of common carriers that do not file ARC's. The Commission also proposed to amend its anti-rebate certification and freight forwarder regulations to provide for suspension of licenses of ocean freight forwarders that do not file anti-rebate certifications. The Notice of Proposed Rulemaking, 55 FR 13293, was issued April 10, 1990, and solicited comments from interested persons.

Under the proposed rule common carriers that do not file ARC's will be notified by **Federal Register** publication and by letter that the Commission intends to cancel the common carrier's tariff(s) thirty days from publication of **Federal Register** notice unless the carrier demonstrates to the Commission that it filed an ARC. The Commission would reject the tariff(s) of a common carrier that did not file an ARC with initial tariff(s). Under the proposed rule ocean freight forwarders that do not file ARC's will be notified by **Federal Register** publication and by letter that the Commission intends to suspend the freight forwarder's license thirty days from publication of **Federal Register** notice unless the freight forwarder demonstrates to the Commission that it had filed an ARC. The Commission would reject the application of an ocean freight forwarder applicant that did not file an ARC with its license application.

Upon review of the comments submitted in response to the proposed rule [1], the Commission has determined to issue a final rule in this proceeding. The Final Rule addresses most of the concerns raised in the comments and expressly incorporates some of the suggestions contained in those comments.

In particular, the Commission is persuaded by those commenters who complained that the notice provisions of the proposed rule were inadequate. CENSA suggested that the notice period be extended to sixty days to "ensure that there is sufficient time to rectify any failure to file". The final rule provides for a forty-five day notice period rather than the thirty day period set forth in the Proposed Rule. This change accounts for possible postal delays and gives common carriers and freight forwarders more time to review their records and prepare a response to the Commission's notice. A forty-five day notice period should satisfy the notice concerns without unnecessarily delaying the regulatory process.

NCBFAA requests that notice be sent certified mail, return receipt requested, with suspension of licenses to take place thirty days after receipt of such notice. This suggestion would impose an unreasonable administrative burden on the Commission and is rejected. Return of signed receipts to the Commission is often erratic and not always dependable. Consequently, determination of the elapsed thirty days from each of the various actual delivery dates would appear to be unmanageable, particularly in view of the volume involved.

However, in an attempt to address the NCBFAA's concern, the final rule provides that common carriers and freight forwarders who fail to file anti-rebate certifications by December 31 will be notified by certified mail and **Federal Register** publication that the Commission does not have their anti-rebate certifications on file and that their tariffs or licenses will be cancelled or suspended at the end of the forty-five days if no corrective action is taken. This procedure should ensure that all entities receive actual notice that their tariffs or licenses are in jeopardy. After the notice period has lapsed, all common carriers and freight forwarders who still have not filed anti-rebate certifications will be notified by certified mail, return receipt requested, and by **Federal Register** publication, that their tariff or license has been cancelled or suspended, respectively. By extending the time period to forty-five days and providing notice through certified mail and **Federal Register** publication, every affected regulated entity will receive adequate notice and be provided a reasonable opportunity to respond.

Several of the comments request that common carriers receive the same notice and opportunity for hearing that freight forwarders receive under the proposed rule.[2] These comments are consistent with the Commission's intent as set forth in the Supplementary Information to the proposed rule. Accordingly, the text of the final rule is modified to explicitly so provide.

In response to certain commenters' request that all parties receive an opportunity to file anti-rebate certifications during the notice period, the final rule clarifies the status of those common carriers and freight forwarders who do file anti-rebate certifications after December 31 but within the forty-five-day notice period. Such entities will be subject to civil penalties, but their tariffs or licenses will not be cancelled or suspended.

Crowley suggests that common carriers be given an opportunity to file anti-rebate certifications before publication of **Federal Register** notice because publication of their names could be "chilling to the carrier's business". The risk that publication of a carrier's name may negatively affect that carrier is outweighed by the need for the Commission to make its best efforts to assure carriers are provided notice of the Commission's intent to cancel their tariffs. Moreover, the possibility of publication of its name may create an incentive for a common carrier to take the necessary steps to ensure that its anti-rebate certification has been filed. Therefore, the Commission has not adopted this suggestion.

TPFCJ and JAGFC comment that under section 13(b) of the 1984 Act, 46 U.S.C. app. 1712, the Commission can only suspend tariffs after notice and hearing and after an order is submitted to the President. This comment, while accurate, is irrelevant. The notice,

[1] Comments were submitted by: North Europe Conferences, National Customs Brokers & Forwarders Association of America, Inc. ("NCBFAA"), Council of European and Japanese National Shipowners' Associations ("CENSA"), Crowley Maritime Corporation ("Crowley"), Trans-Pacific Freight Conference of Japan ("TPFCJ"), Japan-Atlantic and Gulf Freight Conference ("JAGFC"), Atlantic and Gulf/West Coast of South America Conference, United States Atlantic/Venezuela Freight Association, United States Gulf/Venezuela Freight Conference, United States/Central America Liner Association, United States/Jamaica Discussion Agreement, United States Atlantic and Gulf/Hispaniola Steamship Freight Association, United States Atlantic and Gulf/Southeastern Caribbean Conference, Central America Discussion Agreement, United States Atlantic and Gulf/Panama Conference Hispaniola Discussion Agreement, Southeastern Caribbean Discussion Agreement, Inter-American Freight Conference.

[2] This request was made by NCBFAA, CENSA, TPFCJ and JAGFC.

hearing and Presidential approval provisions of section 13(b) apply to tariff cancellations for violations of sections 10(b) (1), (2), (3), (4) and (8) and section 12 of the 1984 Act, 46 U.S.C. app. 1709 and 1711. As explained fully in the Supplementary Information of the proposed rule, section 15 establishes the requirement that anti-rebate certifications be filed. Because the cancellation of tariffs for failure to file an anti-rebate certification is based upon a violation of section 15, the notice, hearing and Presidential approval provisions of section 13 are inapplicable.[3]

NCBFAA questions the Commission's authority to cancel tariffs as provided by the proposed rule. However, this comment incorrectly assumes that the Commission based its authority to cancel tariffs upon its power to reject tariffs under 46 U.S.C. app. 1707(f). As explained in the Supplementary Information to the proposed rule, 55 FR 13293, at 13294, the Commission bases this rule on its authority to cancel tariffs that mislead the public. *Ghezzi Trucking Inc.—Cancellation of Inactive Tariff*, 13 F.M.C. 253, 255 (1969).

NCBFAA also asserts that every failure by a freight forwarder to file an anti-rebate certification is not necessarily a willful failure to file, and therefore does not necessarily warrant license suspension. We disagree. All freight forwarders are required to know and abide by the Commission's regulations. The anti-rebate certification regulation has been in effect since 1986, and has been the subject of two formal adjudicatory proceedings and now a rulemaking proceeding. Furthermore, every freight forwarder that has been licensed after 1986 has been required by 46 CFR 510.12(a) to file an initial anti-rebate certification with its application. Therefore, all such forwarders should be fully aware of their filing requirements. Moreover, the final rule provides actual notice of a freight forwarder's failure to have an anti-rebate certification on file and yet another opportunity to file the anti-rebate certification before the Commission suspends its license. If after the forty-five-day notice period an anti-rebate certification still has not been filed, the Commission can justifiably conclude that the freight forwarder is in willful disregard of its obligations as a regulated entity.

Any comments not specifically addressed herein were either determined to be without merit, of minimal consequence, or satisfied by the changes incorporated into the final rule.

The Commission has determined that this final rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981, because it will not result in:

(1) An annual effect on the economy of $100 million or more; and

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this final rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations.

The Paperwork Reduction Act, 44 U.S.C. 3501–3520, as amended, does not apply to this final rule because the proposed amendments to part 582 of title 46, Code of Federal Regulations, do not impose any additional reporting or recordkeeping requirements or change the collection of information from members of the public which require the approval of the Office of Management and Budget.

List of Subjects in 46 CFR Parts 510, 580 and 582

Anti-Rebate Certification, Common Carriers, Freight Forwarders, Licenses, and Tariffs.

Therefore, pursuant to 5 U.S.C. 553 and sections 8, 10, 15, 17 and 19 of the Shipping Act of 1984, 46 U.S.C. app. 1707, 1709, 1714, 1716 and 1718, the Federal Maritime Commission amends parts 510, 580 and 582 of title 46 of the Code of Federal Regulations as follows:

PART 510—[AMENDED]

1. The authority citation for part 510 continues to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716 and 1718.

§ 510.16 [Amended]

2. Section 510.16 is amended by removing "or" from the last line of paragraph (a)(4), adding "; or" at the end of paragraph (a)(5), and adding a new paragraph (a)(6) to read as follows:

§ 510.16 Revocation or suspension of license.

(a) * * *

(6) Failure to file an annual anti-rebate certification as required by § 510.25 and part 582 of this chapter. Any licensed freight forwarder who fails to file an annual anti-rebate certification will be notified by **Federal Register** publication and by certified mail that if within forty-five (45) days from the date the certified notice is mailed the licensee does not either establish that the required anti-rebate certification was filed in accordance with § 510.25 and part 582 of this chapter or file the required anti-rebate certification, its license will be suspended until such time as it is reinstated by the Commission after an anti-rebate certification is filed. The license of any freight forwarder who files an anti-rebate certification after December 31 but before the end of the forty-five (45) days notice period will not be suspended; however, the licensee will be subject to civil penalties as provided in part 582 of this chapter. After the forty-five (45) days, any licensee that still does not have an anti-rebate certification on file with the Commission will be notified by **Federal Register** publication and certified mail, return receipt requested, that its license has been suspended.

* * * * *

3. Section 510.25 is amended by adding the following at the end of paragraph (b):

§ 510.25 Anti-rebate certifications.

* * * * *

(b) * * * Any application for an ocean freight forwarder license that does not include an anti-rebate certification in accordance with § 510.12 and part 582 of this chapter shall be rejected.

* * * * *

PART 580—[AMENDED]

4. The authority citation for part 580 continues to read:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702–1705, 1707–1709, 1712, 1714–1716 and 1718.

5. Section 580.5 is amended by adding the following at the end of paragraph (c)(2)(ii)(B):

§ 580.5 Tariff contents.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(B) * * * Failure of a common carrier to file an anti-rebate certification with initial tariffs and publish notice of that certification in its tariffs as required by

[3] In any event, because the final rule allows affected entities 45 days either to establish that an anti-rebate certification was filed or to file one, adequate notice and full opportunity for hearing have been provided.

this part and part 582 of this chapter shall result in rejection of that carrier's tariff. Any common carrier who fails to file an annual anti-rebate certification as required by part 582 of this chapter will be notified by **Federal Register** publication and by certified mail that if within forty-five (45) days from the date the certified notice is mailed the common carrier does not either establish that the required anti-rebate certification was filed in accordance with this part and part 582 of this chapter or file the required anti-rebate certification, its tariff will be cancelled. In the event a common carrier's rates are published in one or more conference tariffs, the name of that common carrier who did not file an anti-rebate certification will be stricken from the list of carriers participating in those conference tariffs. The tariff(s) of any common carrier who files an anti-rebate certification after December 31 but before the end of the forty-five (45) days notice period will not be cancelled; however, the common carrier will be subject to civil penalties as provided in part 582 of this chapter. After the forty-five (45) days, any common carrier that does not have an anti-rebate certification on file with the Commission will be notified by **Federal Register** publication and certified mail, return receipt requested, that its tariff(s) have been cancelled or its name has been stricken from conference tariff(s).

* * * * *

PART 582—[AMENDED]

6. The authority citation for part 582 continues to read:

Authority: 5 U.S.C. 533; 46 U.S.C. app. 1701, 1702, 1707, 1709, 1712 and 1714–1716.

7. Section 582.1 is amended by revising paragraph (b) to read as follows:

§ 582.1 Scope.

* * * * *

(b) Information obtained under this part will be used to maintain continuous surveillance over common carrier and ocean freight forwarder activities and to deter rebating practices. Failure to file the required certification may result in a civil penalty of $5,000 for each day such violation continues. Failure of a common carrier to file an anti-rebate certification and publish notice of certification in its tariffs as provided by this part and part 580 of this chapter will result in tariff cancellation effective forty-five (45) days after notice, as provided in § 580.5(c)(2)(ii)(B) of this chapter or, if an initial tariff filing, rejection. In the event a common carrier's rates are published in one or more conference tariffs, the name of the common carrier will be stricken from the list of carriers participating in those conference tariffs. The tariff(s) of any common carrier who files an anti-rebate certification after December 31 but before the end of the forty-five days notice period will not be cancelled; however, those common carriers will be subject to civil penalties. Failure of an ocean freight forwarder to file an anti-rebate certification as provided by this part and part 510 of this chapter will result in suspension of that ocean freight forwarder's license effective forty-five (45) days after notice, as provided in § 510.16(a)(6) of this chapter. The license of any freight forwarder who files an anti-rebate certification after December 31 but before the end of the forty-five days notice period will not be suspended; however, those freight forwarders will be subject to civil penalties. Failure of an ocean freight forwarder applicant to include an anti-rebate certification with a license application as provided by this part and part 510 of this chapter will result in rejection of that ocean freight forwarder applicant's license application, as provided in § 510.25(b) of this chapter.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90–20292 Filed 8–28–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–401; RM–6854]

Radio Broadcasting Services; Merrill, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 281C3 for Channel 283A at Merrill, Wisconsin, and modifies the license for Station WMZK(FM) accordingly, in response to a petition filed by Roberts Broadcasting, Inc. Canadian concurrence has been obtained for this allotment at coordinates 45–10–45 and 89–38–20. See 54 FR 39211, September 25, 1989.

EFFECTIVE DATES: October 9, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–401, adopted August 7, 1990, and released August 24, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 281A and adding Channel 281C3 at Merrill.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–20409 Filed 8–28–90; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 55, No. 168
Wednesday, August 29, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV-90-196PR]

Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Proposed 1990-91 Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes authorizing expenditures for the 1990-91 fiscal period (August 1-July 31) for the Texas Valley Citrus Committee (TVCC), established under Marketing Order No. 906. This proposed action is needed by the TVCC to pay anticipated marketing order expenses. The proposed action would enable the TVCC to continue to perform its duties and the order to operate.

DATES: Comments must be received by September 10, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection in the office of the Docket Clerk during regular business hours. All comments should reference the docket number and the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-475-3918.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order No. 906, both as amended (7 CFR part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This agreement and order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are about 135 handlers subject to regulation under the marketing order for oranges and grapefruit grown in Texas, and about 2,500 orange and grapefruit producers in Texas. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

The marketing order for Texas oranges and grapefruit, administered by the U.S. Department of Agriculture (Department), requires that an annual budget of expenses be prepared by the TVCC and submitted to the Department for approval. The members of the TVCC are handlers and producers of Texas oranges ad grapefruit. They are fimiliar with the TVCC's needs and with the cost for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The recommended budget is usually acted upon by the TVCC shortly before a season starts, or during the season when changes are needed, and expenses are incurred on a continuous basis. Therefore, budget approvals must be expedited so that the TVCC will have funds to pay its expenses.

The TVCC met on August 1, 1990, and unanimously recommended a 1990-91 budget with expenditures of $107,810. Of this total, $49,260 is for administration of the marketing order and $58,550 is for administration of TexaSweet Citrus Advertising, Inc. (TCAI). TCAI has carried out the TVCC's advertising and promotion program for the past several seasons and plans limited public relations activities for 1990-91.

The TVCC's proposed 1990-91 expenditures are substantially lower than the amounts expended during each of the past several seasons and are at a level needed to keep the marketing order functioning until commercial citrus production is reestablished in Texas. In comparison, 1989-90 budgeted expenditures were $1,496,634. The TVCC reports that it does not expect any commercial citrus shipments to be made from Texas this season due to severe freeze damage to the citrus trees in December of 1989. Since no crop production is expected, the TVCC recommended that no assessment rate be established for 1990-91.

The TVCC plans to draw funds from its reserve and use about $34,000 in interest income to finance its 1990-91 expenditures. Sufficient funds are in the TVCC's reserve, which amounted to about $440,000 on July 31, 1990, to cover the anticipated deficit.

The TVCC further unanimously recommended that any unexpended funds from the 1989-90 fiscal period be placed in its reserve fund.

Based of the foregoing, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A comment period of less than 30 days is deemed appropriate for this action. Since TVCC expenses are incurred on a continuous basis during the entire fiscal period, approval of the proposed expenditure authorization must be expedited.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements and orders, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 906 be amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR part 906 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. New § 906.230 is added to read as follows:

§ 906.230 Expenses.

Expenses of $107,810 by the Texas Valley Citrus Committee are authorized for the fiscal period ending on July 31, 1991. Any unexpended funds from the 1989–90 fiscal period may be carried over as a reserve.

Dated: August 23, 1990.

Robert C. Keeney,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 90–20392 Filed 8–28–90; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Part 1137

[DA–90–030]

Milk in the Eastern Colorado Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue the suspension of certain provisions of the Eastern Colorado Federal milk order. These provisions have been suspended for the same periods during the previous four years. The proposal would again suspend during September 1990 through February 1991 the limit on the period of automatic pool plant status for a supply plant which met pool shipping standards during a previous September through February period, and continue to suspend for cooperative associations the "touch-base" requirement that each member-producer's milk be received at least three times each month at a pool distributing plant to be eligible for diversion. The proposal would also continue to suspend the percentage limits on the amount of milk that a cooperative may divert to surplus milk outlets. The suspension of the diversion provisions would be effective for September 1990 through 1991. These suspension continuations were requested by a cooperative association representing procedures supplying the Eastern Colorado market to prevent the uneconomic movement of milk.

DATES: Comments are due not later than September 13, 1990.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 447–4829.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This proposed rule has been reviewed by the Department in accordance with Departmental Regulation 1512–1 and the criterion contained in Executive Order 12291 and has been determined to be a "non-major" rule.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the suspension of the following provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered:

1. For the months of September 1990 through Feburary 1991:

In the second sentence of § 1137.7(b), the words "plant which has qualified as a" and "of March through August"; and

2. For the months of September 1990 through August 1991:

In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and in the second sentence "30 percent in the months of March, April, May, June, July, and December, and 20 percent in other months of," and the word "distributing."

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 15th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 15 days because a longer period would not provide the time needed to complete the required procedures and include September 1990 in the suspension period.

The comments that are sent will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

Mid-America Dairymen, Inc. (Mid-Am), an association of producers that supplies some of the market's fluid milk needs and handles some of the market's reserve milk supplies, requested the continuation of the suspension of these provisions to prevent the uneconomical and inefficient movement of milk for the sole purpose of pooling the milk of cooperative association producers historically associated with the Eastern Colorado market. For the months of September 1990 through February 1991, the suspension would again remove the limit on the period of automatic pool plant status for a supply plant which met the pool shipping standard during a previous September through February. For the months of September 1990 through August 1991, the suspension would continue to remove the requirement that three deliveries of each member-producer's milk be received at a pool distributing plant each month to be eligible to have milk diverted. Also, the percentage limits on the aggregate amount of milk that a cooperative may divert to nonpool plants for its account would be suspended for the same months.

Mid-Am states that marketing conditions in the Eastern Colorado order are similar to those that existed during the period when previous suspension actions of these provisions were granted. They state that the volume of producer milk pooled under the order during the first six months of 1989 was 11.4 percent above 1988. During the period January through June 1990, according to the cooperative, producer receipts were 2.2 percent below the same period in 1989 and Class I sales were 0.6 percent below year earlier levels. Nevertheless, Mid-Am projects that there will be ample supplies of locally produced milk to meet the fluid requirements of Eastern Colorado distributing plants without requiring that

each cooperative association's member-producer's milk be received at least three times each month at a pool distributing plant, or by restricting the amount of milk that a cooperative may divert to non-pool plants.

Mid-Am also states that to continue to suspend the order's "touch-base" delivery requirement for each member-producer would not allow additional milk supplies to be pooled, but would provide for more efficient disposition of the cooperative's milk not needed for fluid requirements of Eastern Colorado distributing plants. By continuing to suspend the "touch-base" provision, according to Mid-Am, producer milk will not be required to be delivered to pool plants for the sole purpose of meeting the pooling requirements of the Eastern Colorado order.

Without the continuation of the suspension, Mid-Am states that the cooperative will be required to ship milk from the western Nebraska and western Kansas areas to Denver area distributing plants, which would displace locally produced milk and would result in shipments from the Denver area to surplus handing plants increasing by an identical amount.

List of Subjects in 7 CFR Part 1137

Milk marketing orders.

The authority citation for 7 CFR part 1137 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Signed at Washington, DC, on August 23, 1990.

Daniel Haley,

Administrator.

[FR Doc. 90–20393 Filed 8–28–90; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90–ASO–16]

Proposed Revision of Transition Area, Wilkesboro, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Wilkesboro, NC, transition area. Effective June 18, 1990, the old Wilkes County Airport was closed concurrent with opening the new Wilkes County Airport. The new airport is located approximately 6.7 NM northeast of the old site and will be served by a localizer standard instrument approach procedure (SIAP) to Runway 1. This proposed action would center the transition area on the new airport and provide an arrival area extension to the south in order to provide controlled airspace protection for instrument flight rules (IFR) aircraft executing the SIAP.

DATES: Comments must be received on or before: October 12, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO–530, Manager, System Management Branch, Docket No. 90–ASO–16, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90–ASO–16." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Wilkesboro, NC, transition area. This action would realign the transition area around the new Wilkes County Airport which has been constructed approximately 6.7 NM northeast of the old site. The old airport has been closed. Also, an arrival area extension would be added to provide controlled airspace protection for IFR aircraft executing the proposed localizer Runway 1 SIAP. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration propose to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Wilkesboro, NC [Revised]

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Wilkes County Airport (latitude 36°13'21" north, longitude 81°05'56" west); within 3.5 miles each side of the Runway 1 localizer course, extending from the 12.5-mile radius area to 9.5 miles south of the LOM (latitude 36°06'46" north, longitude 81°05'54" west), excluding those portions that coincide with the West Jefferson and Elkin, NC, transition areas.

Issued in East Point, Georgia, on August 16, 1990.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 90-20340 Filed 8-28-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1313

Foreign Import Restrictions

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: The DEA proposes to amend its regulations to include a list of foreign import restrictions for listed chemicals based on notification of such restrictions by certain countries.

DATES: Comments must be in quintuplicate to the Administrator, Drug Enforcement Administration, Washington, DC, 20537, Attn: **Federal Register** Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest L. Staples, Chief, Diversion Operations Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-7204 .

SUPPLEMENTARY INFORMATION: On August 1, 1989, the final rule establishing procedures to implement the requirements of the Chemical Diversion and Trafficking Act of 1988 (CDTA) was published in the **Federal Register**, 54 FR 31657-31669. The CDTA prohibits the exportation of listed chemicals where such shipment would violate the laws of the country of destination. Section 1313.21 of the regulations (Requirement of authorization to export) states that DEA will publish a notice of foreign import restrictions for listed chemicals of which the DEA has kinowledge.

A limited number of countries have notified the DEA of import restrictions for certain listed chemcials. Section 1313.25 is being amended to include the most current information available to DEA regarding these restrictions.

Specific import requirements of the countries who have notified DEA of such restrictions must be obtained in detail from those countries by the U.S. chemcial exporter. Further, the list of countries with import restrictions provided in § 1313.25 is not intended to be perceived as all inclusive or complete. Therefore, U.S. companies intending to export listed chemcials must detemine if the receiving country has any import requirements or restrictions. Any violation of the laws of the countries to which the chemcial is exported subjects the U.S. company to the penalties of 21 U.S.C. 960(d).

The Deputy Assistant Administrator of the Drug Enforcement Administration, Office of Diversion Control, hereby certifies that these matters will have no significant impact upon small business within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. This rule is not a major rule for purposes of Executive Order (E.O.) 12291 of February 17, 1981. Pursuant to Sections 3(c)(3) and 3(e)(2)(C) of E.O. 12291, this proposed rule has been submitted for review by the Office of Management and Budget. This section has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Pursuant to the authority vested in the Attorney General by 21 U.S.C. 821 and 871(b), and redelegated to the Deputy Assistant Administrator of the Drug Enforcement Administration, Office of Diversion Control, by 28 CFR 0.104, appendix to subpart R, sec. 9, the Deputy Assistant Administrator hereby proposes that 21 CFR 1313.25 be amended as follows:

List of Subjects in 21 CFR Part 1313

Drug Enforcement Administration, Drug traffic control, Exports, Imports, Reporting requirements.

PART 1313—IMPORTATION AND EXPORTATION OF PRECURSORS AND ESSENTIAL CHEMICALS AMENDED

1. The authority citation for part 1313 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b), 971.

2. Section 1313.25 is amended by redesignating the existing paragraph as paragraph (a), and adding a new paragraph (b), to read as follows:

§ 1313.25 Foreign import restrictions.

* * * * *

(b) The countries listed below have notified DEA of import restrictions for certain listed chemcials as indicated:

Argentina

Argentina currently controls the importation and exportation of 34 precursor and essential chemicals products. All requests for import and export permits are to be directed to the National Sanitary/Health Authority, with notice also to be given to the National Customs Adminstration. Petitions for an import/export permit should reflect: (1) name of the importer and exporter; (2) country of original destination; (3) number of containers and weight; (4) labels; (5) identifying number; (6) Customs tracing number; (7) type of product; and (8) means of transportation.

Australia

Import permit/license is required from the Director-General of Health to import ephedrine, ergonovine, ergotamine, and norpseudoephedrine.

Bahamas

According to Bahamian Customs officials, chemical plants are closely monitored during the importing and exporting of chemicals from Freeport and the Grand Bahamas. Customs officials further stated that controls were exercised in the Customs-Privileged area, and that no chemcial shipment enters or exists Freeport without verification by Bahamian Customs Service.

Bolivia

The Government of Bolivia (GOB) expanded existing narcotic laws to strengthen controls on the following precuursor and essential chemicals: sulfuric acid, chloric acid, potassium permanganate, ammonium hydroxide, calcium hydroxide, sodium carbonate, ethyl ether, acetone, acetic, anhydride. The Bolivian National Police processes all applications for chemical import/export permits and determines if the requested levels of chemicals are consistent with the needs of the user. The GOB Under-Secretary of Social Justice is responsible for final approval and recommendation for import permits.

Brazil

Brazil has two administrative laws that control ethyl ether, sulphur ether, pure acetone, and acetic anhydride. One liter of these chemicals is the maximum quantity that can be sold openly by drug stores. The

Federal Drug Council has requested the control of the importation, exportation, re-exportation, distribution storage, deposit and safekeeping, repackaging, use, transportation, and commercialization of the following chemicals: sulphur ether, ethyl ether, acetone, butane, sulphur acid, sodium carbonate, sodium hydroxide, potassium hydroxide, ammonia, potassium permanganate, and chloroform.

Canada

Currently, there are no Canadian laws to control essential chemicals, however, the Canadian government is revising its existing drug laws. One intent of the new legislation is to include the control of chemical products in a consolidated Federal Statute that is to be entitled the Psychoactive Substance Control Act.

Chile

Although there are no current legal controls on the importation or exportation of either or any other precursor chemical, Chilean chemical producers have internal controls and regulations that govern the movement of chemicals. A National Drug Commission is currently conducting a study aimed at tightening controls on precursor chemicals in an effort to reduce the level of chemical diversion to the illicit drug markets.

Colombia

In May 1990, the Government of Colombia adopted a new decree that significantly strengthens existing chemical control laws. Chemicals may no longer be imported through Customs free zones. Essential chemical imports are restricted to designated ports of entry and must be stored in Customs warehouses either in Bogota, Buenaventure, Barranquilla, or Cartegena. Individuals who wish to import chemicals must apply to the National Council on Dangerous Drugs (NCDD) and provide detailed information that accounts for the ownership of the importing company and the legitimate use of the chemicals. Some of the information that must be provided to Colombian authorities includes: (1) the name of the importing company, (2) the names of its shareholders and legal representative, (3) the type and amount of chemicals to be imported, (4) the name and address of the foreign chemical supplier, and (5) the purpose for which the chemicals are to be used. Finally, importers must account for their legitimate use of the controlled chemicals by submitting a quantitative comparison between the amount of chemicals imported and the amount used in industry.

Costa Rica

The Costa Rican laws are exhaustive in their coverage of chemicals and place strict regulation and reporting requirements on individuals and companies involved in the importation, sale, and use of 46 precursor and essential chemicals. Individuals must have prior approval from the Costa Rican Ministry of Health to import any of these controlled chemicals. Deviation from any chemical control laws may result in the prohibition of any company or individual from further business involving the controlled chemicals. An individual who engages in essential chemical trafficking for the purpose of producing illicit narcotics is further subject to criminal prosecution and 4–8 years imprisonment.

Dominican Republic

The Government of the Dominican Republic (GODR) passed laws in May 1988 requiring that an individual receive a permit from the Ministry of Health and approval by the National Directorate for Drug Control (DNCD) prior to importing any controlled chemical. Following are the chemicals that are controlled under the new law: anthranilic acid, n-acetylanthranilic acid, phenyl-2-propanolamine, phenylacetic acid, piperidine, ergonovine, ergotamine, acetone, ethyl ether, and acetic anhydride.

Ecuador

Permits for chemical imports are required from the Banco Central (Central Bank). All Ecuadorian imports are regulated by the Ministerio de Comercio, Integracion Y Pesca (MICIP) (Minister of Commerce, Integration, and Fisheries) in conjunction with the Central Bank. Chemical importers are also required to submit a monthly list of chemical transactions to the MICIP. Although there are no quantitative limitations imposed on importations, there is a tax on such imports that range from zero to five percent.

Great Britain

The United kingdom does not have formal legislation that controls the trade of chemicals. The National Drugs Intelligence Unit (NDIU) of Scotland Yard has developed a voluntary program in cooperation with the chemical industry in 1982 that monitors 34 precursor and essential chemicals, including all chemicals in the U.S. CDTA.

India

Licenses are required to import benzyl chloride, anthranilic acid, phenylacetic acid, acetone, and potassium permanganate. The Government of India (GOI) has recently imposed tighter controls over the sale and movement of acetic anhydride (AA) to reduce the amount of chemical diversion to heroin processing labs primarily in Myanmar (Burma) and Thailand.

Ireland

A license is required to import phenyl–2–propanone.

Italy

The Italian Anti-Drug Central Bureau (SCA) proposed a comprehensive strategy to identify companies that engage in chemical diversion.

Working closely with the Italian chemical industry, the SCA and the Ministry of Health adopted the following list of substances to be included into an "official" control program: P2P, MEK, ergotamine, acetone, anthranilic acid, methylene chloride, piperidine, methylene dichloride, ephedrine and ephedrol, toluene, acetic anhydride, benzene, and ethyl ether.

Korea

Any volume of ephedrine imported must be reported to the Ministry of Health.

Mexico

Mexico regulates the handling, importation, and exportation of certain precursor chemicals. According to Mexican officials, an individual is required to obtain an import permit from the Secretary of Health and the Ministry of Commerce and Industrial Development prior to importing any of the controlled chemicals.

Netherlands Antilles

The legislative body of the Netherlands Antilles has adopted antinarcotic legislation that provides for chemical diversion enforcement by imposing import controls on essential and precursor chemicals.

New Zealand

Notification and a permit are required from the New Zealand Ministry of Health to import any precursor or essential chemical.

Nigeria

The Pharmacists Board of Nigeria (PBI) controls acetone, as well as other chemicals. A permit must be issued to the distributor of chemicals by the Board and quantities must conform to legitimate usage.

Panama

The Government of Panama established a precursor control program in 1986 that is designed to track the importation, distribution, consumption, and re-exportation of precursor chemicals. The chemical control program is operated in cooperation with Panamanian Customs authorities.

Paraguay

The Government of Paraguay has recently passed a new drug law that provides for the control of essential and precursor chemicals.

Peru

All products or precursor elements that may be used to manufacture illicit narcotics are subject to import approvals and other controls to prevent their unlawful use. The specific chemicals that are controlled include sulfuric acid, sodium carbonate, ethyl ether, acetone, and hydrochloric acid. All parties affected by this law are required to be licensed with a Special Sales Registration. On January 9, 1990, Peruvian law was modified to include the following chemicals: sodium hydroxide, petroleum ether, acetic acid, liquid ammonia, potassium carbonate, chloroform, potassium permanganate, carbon sulfate, methyl ethyl ketone, potassium hydroxide, sodium sulfate, benzene, toluene, and methyl chloride.

Philippines

The Government of the Philippines requires that individuals obtain a letter of credit from the Central Bank of the Phillipines, as well as certification from the Dangerous Drug Board, to import acetone, ether, MEK, and toluene.

Seychelles

All essential and precursor chemicals under the CDTA were placed on a controlled substance list by the Seychelles Marketing Board (SMB) in January 1990. The SMB notifies drug enforcement authorities once an

individual or business applies for a chemical import license.

Thailand

Thailand has passed several laws to restrict and monitor the movement, sale, and distribution of essential chemicals that are used primarily to manufacture illicit narcotics. The chemicals controlled by Thai authorities include: acetic anhydride, acetyl chloride, chloroform, and ether, all of which are used in heroin manufacturing. Approval to import controlled chemicals must be sought from the Ministry of Public Health.

Tunisia

The Ministry of Public Health of Tunisia must authorize the importation of essential chemicals, including those outlined in the U.S. Chemical Diversion and Trafficking Act.

Venezuela

The Venezuelan government currently controls the following chemicals that may be used to manufacture illicit narcotics: hydrochloric acid, sulfuric acid, ammonia (gas), sodium carbonate, sodium bicarbonate, other carbonates (magnesium, iron), ethyl ether, and acetone. In July 1988, 13 other chemicals were added to this list, some of which are: MEK, MIBK, methylene chloride, toluene, and hexane.

Dated: July 23, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 90–20290 Filed 8–28–90; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF EDUCATION

34 CFR Part 231

RIN 1810–AA56

Drug-Free Schools and Communities Program

AGENCY: Department of Education.

ACTION: Correction; proposed rule.

SUMMARY: This document corrects an error made in the notice of proposed rulemaking published in the **Federal Register** on August 16, 1990 (55 FR 33616) concerning the Drug-Free Schools and Communities Program.

FOR FURTHER INFORMATION CONTACT: Allen King, Drug-Free Schools and Communities Staff, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202–6439; telephone (202) 401–1599.

(Catalog of Federal Domestic Assistance Number has not been assigned, Emergency Grants; 84.207A School Personnel Training Grants; 84.184A Demonstration Grants; and 84.184B Federal Activities Grants)

Dated: August 22, 1990.

Daniel F. Bonner,

Acting Assistant Secretary, Elementary and Secondary Education.

The following correction is made in FR Doc. 90–19254, 55 FR 33616–33623 in the issue of August 16, 1990. On page 33619, last column, last line of § 231.21(d), the number "50" should read "35."

[FR Doc. 90–20285 Filed 8–28–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

[RIN 2900–AE20]

Loan Guaranty: Title Evidence Requirements and Occupancy Requirements for Conveyance of Properties to VA by Holders

AGENCY: Department of Veterans Affairs.

ACTION: Proposed regulatory amendments—extension of comment period.

SUMMARY: On August 6, 1990, the Department of Veterans Affairs (VA) published in the **Federal Register** at page 31847 proposed amendments to its loan guaranty regulations (38 CFR part 36) to: (1) Authorize the Secretary to specify the title documentation required from the holder when VA acquires a foreclosed property and the date by which VA must receive such title documentation, and (2) to require that a property acquired by VA must be vacant when conveyed to the Secretary unless occupied by someone properly in possession by virtue of a redemption period or if otherwise authorized by the Secretary.

It has been determined that the public comment period on these proposed amendments should be extended for an additional 30 days, i.e., until October 5, 1990.

DATES: Comments must be received on or before October 5, 1990. Comments will be available for public inspection until October 17, 1990. VA proposes to make these regulatory amendments effective by September 28, 1990.

ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Secretary of Veterans Affairs, (271A) 810 Vermont Avenue NW., Washington, DC 20420. All written comments will be available for public inspection in room 132, Veterans Service Unit, at the above address between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until October 17, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard A. Levy, Assistant Director for Loan Management (261) Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 233–3668.

Charles A. Fountaine III,

Records Management Service.

[FR Doc. 90–20332 Filed 8–28–90; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–386, RM–7276]

Radio Broadcasting Services; Pullman, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by P–N–P Broadcasting, Inc., permittee of Station KZZL–FM, Channel 258C2, Pullman, Washington, proposing the substitution of Channel 258C1 for Channel 258C2 at Pullman, and the modification of its construction permit for Station KZZL–FM to specify the higher class channel. In accordance with § 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 258C1 at Pullman or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties. Channel 258C1 can be allotted to Pullman in compliance with the Commission's minimum distance separation requirements with a site restriction of 16.8 kilometers (10.4 miles) east of the city at coordinates North Latitude 46–40–32 and West Longitude 116–58–06. Canadian concurrence is required because Pullman is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before October 15, 1990, and reply comments on or before October 30, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Duane J. Polich, President, P–

N–P Broadcasting, Inc., P.O. Box 2869, Othello, Washington 99344 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–386, adopted August 13, 1990, and released August 24, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–20411 Filed 8–28–90; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 90–384, RM–7286]

Radio Broadcasting Services; Bethlehem, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Bethlehem Radio, Inc., proposing the substitution of Channel 288B1 for Channel 288A at Bethlehem, West Virginia, and the modification of its license for Station WHLX(FM) at Bethlehem to specify operation on the higher powered channel. The upgrade can be accomplished at the site specified by the petitioner which is located 14.3 kilometers (8.9 miles) northwest of the city at coordinates 40–09–32 and 80–45–58.

DATES: Comments must be filed on or before October 15, 1990, and reply comments on or before October 30, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Pepper & Corazzini, 1776 K Street NW., suite 200, Washington, DC 20006 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–384, adopted August 13, 1990, and released August 24, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–20412 Filed 8–28–90; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 90–385, RM–7220]

Radio Broadcasting Services; Trade, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Trade Communications of Mountain City, Tennessee, proposing the allotment of Channel 272A at Trade, Tennessee, as that community's first local broadcast service. Coordinates for Channel 272A are 36–17–00 and 81–46–45.

DATES: Comments must be filed on or before October 15, 1990, and reply comments on or before October 30, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's consultant, as follows: Mitch Sandidge, 212 Amity Drive, Bristol, Tennessee 37620.

FOR FURTHER INFORMATION CONTACT: Andrews J. Rhodes, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–385, adopted August 13, 1990, and released August 24, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-20410 Filed 8-28-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-175A; Advance Notice No. 90-13]

RIN 2137-AB89

Specifications for Tank Car Tanks; Supplemental Notice

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Supplemental advance notice of proposed rulemaking (SANPRM); request for additional comments; extension of time to file comments.

SUMMARY: RSPA and the Federal Railroad Administration are considering the development of regulations that would improve the level of safety of tank car tanks. The intended effect of these proposed regulations would be to reduce the risk of violent rupture and the release of hazardous materials when tank car tanks are involved in accidents. On May 15, 1990, RSPA published an advance notice of proposed rulemaking in the Federal Register (55 FR 20242) under docket No. HM-175A, Notice No. 90-8, that solicits comments on the costs and safety benefits of revising the specifications for tank car tanks.

This SANPRM solicits comments on the costs and safety benefits that would be derived if the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) are amended to (1) Prohibit bottom outlets on new and existing tank car tanks used to transport certain hazardous materials; (2) establish a maximum permissible safety relief valve capacity for materials that are toxic by inhalating; (3) require that, for new and existing tank car tanks, the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket be given a protective coating when foam-in-place insulation is applied; and (4) permit reductions in the safety vent size, or increases in the tank test pressure and vent bursting pressure, on new and existing tank car tanks used to transport certain hazardous materials.

DATE: Comments on the proposals published under Docket No. HM-175A, Notice 90-8, and on the proposals contained herein must be received on or before January 4, 1991.

ADDRESS: Address comments to the Dockets Unit, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and notice number and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in room 8417 of the Nassif Building, 400 7th Street SW., Washington, DC 20590-0001. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Deputy Associate Administrator for Safety, Federal Railroad Administration, RRS-2, Washington, DC 20590-0001, Telephone (202) 366-0897.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1990, the Research and Special Programs Administration (RSPA) published an advance notice of proposed rulemaking (ANPRM) in the **Federal Register** (55 FR 20242) under Docket HM-175A, Notice No. 98-8, to solicit comments on the costs and safety benefits of revising the specifications for tank car tanks. The ANPRM requested that commenters submit to RSPA specific written comments on ten questions on or before August 21, 1990.

Several commenters—the Railway Progress Institute, the Association of American Railroads (AAR), the Chemical Manufacturers Association, the American Petroleum Institute, the Hazardous Materials Advisory Council, the National Industrial Transportation League, and the Compressed Gas Association—have requested additional time to evaluate the proposal contained in the ANPRM. To provide for additional analysis, RPA is reopening the date for comments on porposals contained in the ANPRM to January 4, 1991. Comments on this SANPRM are also due by January 4, 1991.

Docket HM-181—Bottom Outlets and Safety Relief Valves

On May 5, 1987, November 6, 1987, and May 23, 1990, RSPA published notices in the **Federal Register** (52 FR 16482, 52 FR 42772, and 55 FR 21342) concerning various proposals addressing the transportation of hazardous material in tank car tank. One of the proposals would prohibit the use of bottom outlets on tank car tanks carrying materials that are toxic by inhalation, except that bottom outlets would be permitted for Division 2.3, Packing Group III materials. Bottom outlets would also be prohibited on tank car tanks transporting motor fuel anti-nock compounds. Another proposal would require tank car tanks transporting Division 2.3, Packing Group I or II materials to be equipped with thermal protection. A tank car tank owner could continue using the small relief valve currently prescribed if he applied extra thermal protection.

Several commenters recommended that the use of tank car tanks with bottom outlets should be prohibited for certain other materials. Another commenter stated: "bottom outlet protection does not cure the problem of lading from bottom outlets releasing in derailments. Even when there is bottom outlet protection, there have been examples where the bottom valve on a tank has been left open with the outlet capped. In a detailment when the piping is sheared off, the tank's contents have escaped through the open valve. Obviously, such a release would be avoided where there are no bottom outlets."

Several commenters recommended that, for materials toxic by inhalation, the use of large safety relief valves should be prohibited. One commenter argued: "DOT has not demonstrated, through safety analyses methods, these materials would not pose unacceptable risks if released through large volume safety relief valves."

This SANPRM solicits comments on the costs and safety benefits to be derived if (1) bottom outlets are prohibited on new and existing tank car tanks used to transport certain hazardous materials, and (2) if a maximum permissible safety release valve capacity is established for materials that are toxic by inhalation.

Protective Coatings for Tank Car Tanks Equipped With Foam-in-Place Insulation

Sections 179.100-4(a) and 179.200-4(a), in the current HMR, require that when insulation is applied to a tank car tank, the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket must be given a protective coating, unless a foam-in-place insulation that adheres to the tank or jacket is applied. The Federal Railroad Administration (FRA) and the AAR Tank Car Committee are aware of several instances of corrosion of the tank or the jacket where foam-in-place insulation without any protective coating has been applied. Because of the

corrosion problems, the AAR has adopted the following requirement in its Manual of Standards and Recommended Practices—Specifications for Tank Cars:

Tank car insulation systems, including foams, must not promote corrosion to steel when wet. Tank and jacket protective coatings are required. The tested pH of reacted foam-in-place insulation must be within the range of 5 to 9. The pH of the foam is tested when cured and granulated foam is boiled for one hour in deionized water, in a ratio of one part foam to 40 parts water by weight.

In addition, the AAR petitioned RSPA to amend the HMR to require the use of protective coatings when foam-in-place insulation is applied. In support of its petition for a rule change (Petition No. P–1083), the AAR stated:

protective coatings provide a continuous barrier between foam-in-place insulation and the steel surface. This barrier is needed because voids may occur when foam-in-place insulation is applied. Moisture could collect in a void, and if the foam insulation becomes acidic in the presence of moisture, galvanic corrosion of the steel might result if there is no protective coating providing a barrier.

The AAR petition contains no performance specifications for either the protective coating or the foam insulation. A commenter argued that the AAR petition should be modified to specify types of protective coatings that would prevent corrosion and would properly expand and contract. The commenter recommended the following regulatory language:

Tank car insulation systems which include foam insulation must also include a protective coating between the foam insulation and the steel tank jacket. This protective coating must be of a type which will withstand the contraction and expansion of temperature controlled tank cars and must not deteriorate in a mild acid environment.

This SANPRM solicits comments on the costs and benefits to be derived if, for new and existing tank car tanks, the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket are given a protective coatings when foam-in-place insulation is applied.

Safety Vent Redesign

A recurring problem in the rail transportation of hazardous materials is the premature failure of a rupture disc due to pressure surges and the subsequent release of hazardous materials through the ruptured disc. One promising concept to reduce the frequency of these rupture disc failures is to equip tank car tanks with surge chambers. However, at least for existing tank car tanks, the installation of a surge chamber will typically require that the approach channel to the safety vent be reduced from the 1¾ inch diameter currently prescribed in the HMR (§§ 179.201–7(b) and 179.220–19(c)). The AAR has petitioned RSPA to allow the approach channel to the safety vents to be equipped with an orifice having an effective diameter of at least 0.5 inch or an area at least 0.196 square inch on (1) Rubber lined or insulated tank car tanks transporting phosphoric acid with a concentration of 54% or greater, (2) insulated tank car tanks transporting sodium hydroxide solutions with a concentration of 50% or greater, and (3) rubber lined tank cars carrying hydrochloric acid with a concentration of 38% or less.

Notwithstanding the potential benefits of equipping tank car tanks with pressure surge devices, RSPA and FRA are concerned that the addition of an orifice plate upstream of a rupture disc may reduce the flow capacity to an unacceptable level. There are other methods (such as increaed outage or increased tank and rupture disc test pressures) that might reduce the frequency of premature rapture disc failures without causing a reduction in flow capacity.

This SANPRM solicits comments on the costs and benefits to be derived if RSPA permits reductions in the safety vent size of increases in the tank test pressure and vent bursting pressure on new and existing tank car tanks used to transport certain hazardous materials.

Additional Information Desired by RSPA and FRA

In addition to the ten questions for which specific written comments were requested in the ANPRM, RSPA and the FRA request specific wirtten comments on questions 11 through 14 below. The supplementary remarks following questions 1 through 10 in the ANPRM are also applicable to questions 11 through 14.

11. What would be the costs and benefits of prohibiting bottom outlets on new and existing tank car tanks that are used to transport flammable gases, flammable liquids, pyrophoric liquids, corrosive liquids, and poisonous liquids? Commenters are requested to identify any specific groups of tank cars for which retrofit would be technologically or economically difficult and to discuss and document any such difficulties. Comments are requested on appropriate retrofit schedules and priorities. Commenters who believe that bottom outlets should be prohibited on tank car tanks carrying commodities other than those discussed above, are requested to identify those commodities and to discuss why they believe bottom outlets should not be allowed for those commodities.

12. What would be the costs and benefits of establishing maximum relief valve capacity requirements for new and existing tank car tanks used to transport materials toxic by inhalation? What criteria should be used to determine the maximum permissible relief valve capacity? Comments are also requested to identify any specific groups of cars for which retrofit would be technologically or economically difficult and to discuss and document any such difficulties. Comments are also requested on appropriate retrofit schedules and priorities.

13. What would be the costs and benefits of requiring that the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket be given a protective coating on new and existing tank car tanks equipped with foam-in-place isulation? If a protective coating requirement were established, what performance standards should be prescribed for the protective coating? Should restrictions be placed on the pH for reacted foam-in-place insulation systems? Commenters are requested to identify any specific groups of tank cars for which retrofit would be technologically or economically difficult and to discuss and document any such difficulties. Comments are also requested on appropriate retrofit schedules and priorities.

14. What would be the safety benefits and safety risks of permitting a reduction in the size of safety vent systems to accommodate pressure surge devices or an increase in tank test pressure and vent bursting pressure? Under what conditions, if any, should RSPA and FRA permit the elimination of the safety vent?

Issued in Washington, DC, on August 22, 1990, under authority delegated in 49 CFR part 106, appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials, Transportation.

[FR Doc. 90–20313 Filed 8–28–90; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 900807–0207]

RIN 0648–AD42

Feeding Wild Populations of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS is proposing regulations that would amend the definition of "take" to include feeding marine mammals in the wild. Under the Marine Mammal Protection Act (MMPA), NMFS is responsible for the management and protection of whales, dolphins, porpoise, seals and sea lions.

The regulations would restrict feeding in any manner. NMFS concludes that feeding marine mammals in the wild may significantly change their behavior by disrupting their normal feeding patterns. NMFS is proposing these regulations to clarify that feeding marine mammals in the wild is harassment which is a form of taking prohibited under the MMPA.

DATES: Comments on the proposed rule must be received by October 15, 1990. Request for a public hearing must be received by September 19, 1990.

ADDRESSES: Comments should be submitted to Dr. Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margaret Lorenz, Office of Protected Resources, 301–427–2322; Douglas Beach, Northeast Region, 508–281–9254; James Lecky, Southwest Region, 213–541–6664; Eugene Nitta, Pacific Area Office, 808–955–8831; Charles Oravetz, Southeast Region, 813–893–3366; Brent Norberg, Northwest Region, 206–526–6110; and Steven Zimmerman, Alaska Region, 907–586–7233.

SUPPLEMENTARY INFORMATION:

Background

In November 1988, the participants at a workshop to review and evaluate whale watching programs and similar activities that may affect wild populations of marine mammals recommended that NMFS issue regulations that would establish a minimum distance for anyone approaching whales and prohibit activities such as feeding wild populations of marine mammals. Increasing interest by the public in observing, feeding, and approaching marine mammals in the wild has been accompanied by concerns that these activities could cause biological problems for the marine mammals and may be a violation of the MMPA. NMFS will address the recommendations concerning minimum distances for approaching marine mammals in a separate rulemaking.

NMFS concludes that feeding activities may alter the behavior of marine mammals in such a way that they constitute harassment which is a form of taking prohibited by the MMPA. Section 2(6) of the MMPA requires NMFS to establish sound management practices for marine mammals under its jurisdiction. NMFS believes that classifying feeding as a "take" is a sound management practice that is similar to the rules of the National Park Service that prohibit the public from feeding animals in National Parks (36 CFR 2.2).

Feeding wild populations of animals may change their behavior which in turn can affect their ability to cope and live in the wild. The survival of an animal that depends on an artificial food source that may not be available consistently may be compromised. It may cause animals to remain too long in an area where they are receiving food from humans and, as a result, disrupt the natural timing of their migration.

NMFS is concerned that animals that have been fed by humans will be encouraged to approach boats, and increase the animals' chances of colliding with them. Animals that have learned to approach vessels may also increase their interactions with fishing vessels. This sometimes results in injury to the animals because they become entangled with fishing gear.

In addition, there is no way to control the quality or type of food or other harmful items that may be given to the animals. Experts in animal husbandry recognize that food for marine mammals has the potential for transferring disease, and feeding operations in zoos and oceanaria are regulated and monitored by the Animal and Plant Health Inspection Service in the Department of Agriculture. In these facilities, humans have offered animals food that is undigestible or even harmful. Animals have become ill or died from readily ingesting foreign objects that were given to them by humans.

These concerns have led NMFS to conclude that feeding populations of marine mammals in the wild is a "take" which is prohibited under the MMPA.

Dolphin Feeding Programs

Since early 1988, NMFS has been aware that organized cruises were being conducted to allow paying patrons to feed wild populations of dolphins. Currently, these cruises are known to operate from Corpus Christi, Texas; Hilton Head Island, South Carolina; Panama City, Florida; and the Florida Keys.

During the summer of 1988, several "feed the dolphin" cruise operators in South Carolina were advised by NMFS that their activities could be considered harassment under the MMPA, and to discontinue the practice of feeding dolphins. NMFS concluded that if this activity alters or disrupts normal dolphin behavior, it can be considered as a "take" and, therefore, prohibited under the MMPA unless an exception has been made. Currently, NMFS defines take as follows: "take means to harass, hunt, capture, collect, or kill or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal, or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal (50 CFR 216.2)." The proposed rule would amend this definition to include feeding marine mammals in the wild.

Request for Public Display Permit to Feed Dolphins

On June 15, 1990, NMFS denied a request for a public display permit that would authorize the harassment of Atlantic bottlenose dolphins (*Tursiops truncatus*) during the observation and feeding of animals in the wild. NMFS found there are significant potential and likely adverse effects of feeding and approaching dolphins as proposed in the request, and that the potential adverse impacts cannot be sufficiently mitigated through permit conditions. NMFS determined that the potential adverse impacts on the population stocks of Atlantic bottlenose dolphins and the marine ecosystem outweigh the potential benefit of the proposed activities. NMFS concluded that issuing a permit that authorizes activities intended to directly or indirectly alter the natural and feeding behavior of groups of wild animals is not consistent with the purpose and policies of the MMPA.

The Marine Mammal Commission made the following comments regarding the application that was denied: "Wild dolphin feeding programs could adversely affect the dolphins because they become attracted to fishing boats and other vessels not engaged in feeding programs and that would increase the likelihood that they will be entangled in fishing gear, shot by fishermen or fed foreign objects. If dolphins depend on food provided by people, they may become less able to find and catch natural prey when feeding is discontinued. Artificial feeding programs may cause migratory dolphins to remain in areas after their primary prey species have left or otherwise reached their seasonal low, and the dolphins could then be subject to food shortages and inhospitable conditions. Dolphins, having come to expect to be fed when boats are around and people are in the water, could become aggressive in their efforts to get food and swimmers could be injured.

Development and advertising of commercial feed-the-dolphin programs may increase the opportunity and encourage recreational and other boaters to feed and harass dolphins. Although it might be possible to regulate the types and quality of fish fed to dolphins during commercial programs, it would not be possible to regulate the types and quality of food provided by others or to prevent unnatural foods or foreign objects from being thrown to dolphins. Feeding dolphins would cause them to be attracted to vessels and increase the probability of their being struck. Feeding programs may expose dolphins to disease or make them more susceptible to diseases."

Scientists from NMFS' National Marine Mammal Laboratory provided the following comments:

"The application for a public display permit to allow feeding of non-captive bottlenose dolphins does not seem appropriate or advisable. The probable effect of such feeding, and the applicant's desired effect, is to condition the animals to approach vessels seeking food rewards. Although the applicant indicates due regard will be paid to the animals' safety by restricting the activity of his vessel and clients, he cannot insure that the animals will not approach other vessels where no such safeguards exist. Furthermore, the dead fish offered to the animals might condition them to seek other dead fish such as those found on baited hooks or in fish nets. Although the specific effects of such feeding cannot be positively determined, negative impacts of small cetaceans feeding on human-supplied food items have been documented. The Southwest Fisheries Center investigated the incidence of bait and catch predation by dolphins. In these cases, they had become accustomed to removing bait and catch from fishermen's lines with significant damages reported in up to 80 percent of day trips in some localized areas (SWFC Admin. Report H–83–19C). No methods for stopping or preventing such behavioral modifications were determined.

"Killer whale predation on sablefish in Alaskan waters also illustrates the negative impacts of cetacean behavioral modification resulting from the introduction of unnatural food sources. Acceptable long-term solutions to the interaction problem have not been identified, but most measures taken involve removal of the food source in one form or another (NWAFC Processed Report 88–14). Clearly, the potential for adverse impacts resulting from deliberate feeding of small cetaceans, including *Tursiops* exists."

Feeding Seals and Sea Lions

On the West Coast of the United States, large numbers of seals and sea lions congregate close to or on shore often in areas populated by humans. In some places such as Newport, Oregon, and Monterey, California, seals and sea lions are fed from the docks and piers especially by tourists. NMFS scientists are concerned that this type of activity is potentially harmful to the animals because it is an artificial food source that reduces the animals' natural wariness of humans and accustoms them to eating dead fish. Again, as with the dolphins, this may lead to increased fisheries interactions and result in harm or death to the seals and sea lions. For example, in 1988, NMFS agents in the Southwest Region investigated the deaths of two sea lions that frequented a harbor where they were fed by recreational fishermen and tourists. One of the sea lions approached a commercial fisherman who viewed it as a threat to his fishing operation and shot the sea lion. The second animal approached a person and accepted a fish that had been planted with a small explosive device.

In the Pacific Northwest, interactions among humans and seals and sea lions are also increasingly common. These interactions result in damage to resources and property and threats to public safety. Feeding marine mammals in the wild may further exacerbate these problems by conditioning the animals to approach humans for feeding opportunities. In many areas, aggressive animals seeking food are considered a nuisance. Also, they have lost their natural wariness of humans and are becoming more involved in interactions with fishermen and their gear.

Conclusion

In its response to the application to feed dolphins, the Marine Mammal Commission states that the approval of any request to feed dolphins, porpoise, or whales in the wild would be contrary to the intent and provisions of the MMPA. NMFS scientists state that the benefits of feeding marine mammals in the wild (including whales, dolphins, porpoise, seals and sea lions) have not been demonstrated, and the practice may be harmful because it may disrupt or alter their normal feeding patterns.

NMFS believes because feeding may disrupt or alter the normal feeding behavior of marine mammals in the wild, it is a form of harassment which constitutes a take, and a take is prohibited unless an exception has been made under the MMPA.

Classification

NMFS prepared an environmental assessment for this proposed rulemaking and concluded that there will be no significant impact on the human environment as a result of this rule. A copy of the environmental assessment may be obtained at the address listed above.

The Undersecretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order (E.O.) 12291. The proposed regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or government agencies; or (3) significant adverse effects on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities since the regulations do not prohibit cruises or other activities involving the observation of marine mammals. As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain collection-of-information requirements subject to the Paperwork Reduction Act. This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

References

Center for Marine Conservation and National Marine Fisheries Service, 1988. Proceedings of the workshop to review and evaluate whale watching programs and management needs. CMC and NMFS, Washington, DC and Silver Spring, Md. 53 pp.

Dalheim, M.E. Killer whale (*Orcinus orca*) depredation on longline catches of sablefish (*Anoplopoma fimbria*) in Alaskan waters. NMFS Northwest and Alaska Fisheries Center Processed Report 88–14, Seattle, Wash.

Marine Mammal Commission, 1989. Response to NMFS re public display permit application from James B. Atkinson to approach, observe and feed dolphins in the Corpus Christi Ship Channel adjacent to Port Arkansas,

Texas. Marine Mammal Commission, Washington, DC.

National Marine Fisheries Service, 1989. Analysis of effects of feeding wild populations of marine mammals. Prepared by the Southeast Regional Office, NMFS, St. Petersburg, Fla.

National Marine Fisheries Service, 1990. Report on the application submitted by Mr. James Baker Atkinson for a public display permit under Section 101(a)(1) of the Marine Mammal Protection Act. NMFS, Silver Spring, Md.

Southwest Fisheries Center, NMFS. 1983. Porpoise/fisheries interactions within the Hawaiian Islands. Admin. Report 6–83–19C. LaJolla, Calif.

List of Subjects in 50 CFR Part 216

Administrative practice and procedure, Imports, Indidans, Marine mammals, Penalties, Reporting and recordkeeping requirements, Transportation.

Dated: August 23, 1990.

William W. Fox, Jr.,

Assistant Administration for Fisheries.

For reasons set forth in the preamble, 50 CFR part 216 is proposed to be amended as follows:

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361. *et seq.*, unless otherwise noted.

2. The definition of "take" in § 216.3 is revised to read as follows:

§ 216.3 Definitions.

* * * * *

Take means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill, any marine mammal. This includes, without limitation, any of the following: The collection of dead animals, or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in disturbing or molesting a marine mammal; and feeding or attempting to feed a marine mammal in the wild in any manner including, but not limited to, the following: from aircraft, boats or other vessels, beaches, docks, platforms, piers, thrillcraft or the water.

* * * * *

[FR Doc. 90–20342 Filed 8–28–90; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 55, No. 168
Wednesday, August 29, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

[Docket No. 90-168]

National Animal Damage Control Advisory Committee: Renewal; Selection of Members; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice; correction.

SUMMARY: We are correcting an error that appeared in a notice published August 9, 1990 (55 FR 32450-32451, Docket Number 90-037). The notice advised the public that the Secretary of Agriculture has renewed the National Animal Damage Control Advisory Committee (Committee) for a two-year period, and that the Secretary is soliciting nominations for membership for this Committee. The closing date for submitting nominations or other comments to the Committee was inadvertently omitted from the notice. Consideration will be given to nominations or comments received on or before September 28, 1990. They should be addressed to the person listed under "FOR FURTHER INFORMATION CONTACT".

FOR FURTHER INFORMATION CONTACT: Gary Larson, Director, Operational Support Staff, ADC, APHIS, USDA, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8281.

Done in Washington, DC, this 23rd day of August 1990.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-20387 Filed 8-28-90; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 90-167]

Advisory Committee on Foreign Animal and Poultry Diseases: Renewal; Selection of Members; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice; correction.

SUMMARY: We are correcting an omission that occurred in a notice published August 9, 1990 (55 FR 32450, Docket Number 90-036). The notice advised the public that the Secretary of Agriculture has renewed the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases (Committee) for a two-year period, and that the Secretary is soliciting nominations for membership for this Committee. The closing date for submitting nominations or other comments to the Committee was inadvertently omitted from the notice. Consideration will be given to nominations or comments received on or before September 28, 1990. They should be addressed to the person listed under "FOR FURTHER INFORMATION CONTACT".

FOR FURTHER INFORMATION CONTACT: Dr. M.A. Mixson, Chief Veterinarian, VS, APHIS, USDA, Room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8073.

Done in Washington, DC, this 23rd day of August 1990.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-20388 Filed 8-28-90; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 90-138]

Animal and Plant Health Inspection Service

Grasshopper Control on Conservation Reserve Program Lands in Western Minnesota, North Dakota, and South Dakota, Environmental Assessment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability: Environmental assessment, finding of no significant impact, and record of decision.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared and is making available an environmental assessment for grasshopper control on conservation reserve program lands in western Minnesota, North Dakota, and South Dakota, a finding of no significant impact, and the Agency record of decision. The preparation of an environmental assessment was necessary to evaluate the effects of a proposed program to control grasshoppers in these areas, and to determine whether the proposed program would produce significant impacts upon the environment, including human health, endangered species, other wildlife species, water resources, aquatic species, soil, vegetation, air quality, land use, and cultural resources. The analysis of the alternatives in the environmental assessment resulted in a finding of no significant impact.

ADDRESSES: Copies of the environmental assessment, finding of no significant impact, record of decision and the 1987 environmental impact statement prepared in connection with the rangeland grasshopper cooperative management program are available at the following addresses: USDA, APHIS, Plant Protection and Quarantine, Operational Support, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, USDA, APHIS, Plant Protection and Quarantine, Western Region, 9580 Micron Avenue, suite I, Sacramento, CA 95827, USDA, APHIS, Plant Protection and Quarantine, Southeastern Region, 3505 25th Avenue, Building 1 North, Gulfport, MS 39501, USDA, APHIS, Plant Protection and Quarantine, Northeastern Region, 505 South Lenola Road, Moorestown, NJ 08057, USDA, APHIS, Plant Protection and Quarantine, South Central Region, 3505 Boca Chica Boulevard, suite 360, Brownsville, TX 78523-5107.

FOR FURTHER INFORMATION CONTACT: Otha H. Barham, Jr., Operations Officer, Plant Protection and Quarantine, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Background

Grasshoppers are members of the Class Insecta and the Order Orthoptera, which contains several hundred species, although only about 35 species are perennial pests of plants. Grasshoppers have the potential for sudden and explosive population increases, which

can be so extreme that they consume all vegetation in an infested area.

The Conservation Reserve Program (CRP), authorized by title XII of the Food Security Act of 1985 (Pub. L. 99–198), provides for farmers to voluntarily enter into multiyear contracts with the United States Department of Agriculture to take specified highly erodible cropland out of annual production and put it into grass, trees, or other permanent vegetation. Farmers receive compensation for establishing desirable cover. The program assists in the conservation and improvement of soil and water resources, creates better habitat for fish and wildlife, and curbs production of surplus commodities. However, CRP lands have become an unprecedented source of grasshopper infestations.

Severe grasshopper outbreaks are projected to occur during the summer of 1990 in traditional cropland areas of western Minnesota, North Dakota, and South Dakota. The environmental assessment (EA) has been prepared to evaluate the effects of a proposed program to control grasshoppers on privately owned CRP lands in these States.

The impacts presented in the EA reference the environmental impact statement (EIS) prepared in 1987 for the rangeland grasshopper cooperative management program. The EA was developed with the assistance of considerable public input.

Alternatives

The EA identifies and discusses the three following program alternatives for grasshopper control on CRP lands: no action, the use of chemicals only, and integrated pest management (IPM).

The EA identifies the IPM alternative as the preferred alternative for controlling grasshoppers on CRP lands. The IPM alternative includes no action, the use of chemicals including malathion, carbaryl, and acephate sprays, and carbaryl bait, and *Nosema locustae* bait (a biological control).

Major Issues

The major issues discussed in this EA are environmental impacts, consequences, and mitigation measures. Included in the EA is an analysis of the toxicological and environmental fate properties of the treatment methods. The principal reference for this analysis is the 1987 EIS. Environmental impacts of the alternatives to human health, endangered species, other wildlife species, water resources, aquatic species, soil, vegetation, air quality, land use, cultural resources, and economic considerations are analyzed.

Record of Decision

The operational procedures and mitigation measures identified in the EA will ensure that no significant adverse environmental impacts would occur to the human environment. Threatened or endangered (listed) species would not be affected under any alternative. Protection measures have been developed and analyzed in the EA to ensure that there are no significant impacts resulting from this program action. The analysis has not disclosed any unique and sensitive resource elements in the projected treatment areas that would be significantly impacted when operational procedures are conducted in accordance with the guidelines. Impacts to all other resources would be minor-to-moderate and short-term.

It should be noted that the Animal and Plant Health Inspection Service will not be sharing in the cost of *Nosema* for the treatment of grasshoppers on CRP lands. Although *Nosema* may reduce grasshopper populations in subsequent years after its use, data reveals that approximately 50% of infected grasshoppers survive 4 to 6 weeks. This would not meet the objective of the emergency situation, which is to prevent large scale infestations on CRP lands from moving into adjacent crops.

The IPM alternative, which is a combination of all alternatives, was chosen to control grasshoppers on CRP lands because only a combination will allow program operations the flexibility to adapt to the various treatment sites that are expected to be encountered, including water and other wildlife habitats, recreational sites, and other sensitive areas.

The EA and finding of no significant impact have been prepared in accordance with:

(1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*),

(2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1509),

(3) USDA Regulations Implementing NEPA (7 CFR part 1b), and

(4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 23 day of August 1990.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–20389 Filed 8–28–90; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 90–102]

Availability of Environmental Assessment and Finding of No Significant Impact for the Imported Fire Ant Regulatory Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact for the imported fire ant regulatory program. Based on the assessment, we have determined that no significant adverse effect on the environment will result from implementation of the selected alternative, quarantine and pest eradication. Therefore, we will not prepare an environmental impact statement for this program.

ADDRESSES: You may obtain a copy of the environmental assessment from Michael T. Werner, Deputy Director, Environmental Documentation, BBEP, APHIS, USDA, room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8565. The environmental assessment is available for public inspection at USDA, room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Michael T. Werner, Deputy Director, Environmental Documentation, BBEP, APHIS, USDA, room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8565.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant (IFA), *Solenopsis invicta* Buren and *S. richteri* Forel, is a major pest of humans, wildlife, and agriculture in the southern United States. Arriving from Brazil 50 to 70 years ago, the IFA is now established in 11 States, with the potential to increase its range to Arizona, California, and the entire west coast. Area-wide attempts to eradicate the IFA have been unsuccessful, and a USDA Quarantine has been in effect since 1958. Articles such as sod and nursery stock that are infested with IFA are not allowed to be transported from IFA-infested to IFA-free areas. The current IFA Regulatory Program involves a combination of shipment inspections from sod farms and nurseries, and a compliance system insuring IFA-free articles.

We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact for the IFA Regulatory Program.

Alternatives

The following program alternatives were considered: (1) No action, (2) quarantine, and (3) quarantine and pest eradication. Control alternatives considered included (1) no action, (2) regulatory control, (3) chemical control, (4) cultural control, (5) physical control, (6) biological control, and (7) integrated control.

Major Issues

The following are some of the major issues discussed in the environmental assessment:

(1) Potential impacts of the alternatives on the biological environment, including target and nontarget species;

(2) Potential impacts of the alternatives on the physical environment, including soil, water, and air quality; and

(3) Potential impacts of the alternatives on the human environment, especially health and safety.

Conclusion

We have selected program alternatives three (3), quarantine and pest eradication, because this alternative would use proven control technologies that allow selection of control methodologies that are environmentally sound and appropriate for existing conditions and treatment sites.

After considering the effects of implementing the selected alternative, we have concluded that there will be no significant primary or secondary effects on the environment and that negligible long-term and cumulative effects might be expected as a consequence of the program. The chemical and physical components of this preferred alternative have been fully evaluated for environmental impact and may be used singly or in combination, depending on the characteristics of the product or premise under consideration.

The Animal and Plant Health Inspection Service's review of the environmental assessment has resulted in a finding of no significant impact and a record of decision which allows the imported fire ant regulatory program to proceed. The reasons for the finding of no significant impact include: (1) No significant impact on human health, (2) no significant impact on wildlife, including threatened and endangered species, (3) no significant impact on air, water or soil, and (4) no significant direct or indirect cumulative impacts on the environment.

The environmental assessment and finding of no significant impact have been prepared in accordance with:

(1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*),

(2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1509),

(3) USDA Regulations Implementing NEPA (7 CFR part 1(b), and

(4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 23 day of August 1990.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–20390 Filed 8–28–90; 8:45 am]

BILLING CODE 3410–34–M

Food Safety and Inspection Service

[Docket No. 90–020N]

Unpaid Furlough of FSIS Employees During the Budget Sequestration Period of October 1, 1990, through October 15, 1990

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of statutorily required personnel action affecting statutorily required inspection services.

SUMMARY: The Food Safety and Inspection Service (FSIS) is providing notice that under the Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. 99–177), as amended, effective October 1, 1990, its operating budget for fiscal year (FY) 1991 will be significantly reduced due to the sequestration of 32.4 percent of its appropriated funding.

By law, FSIS may not obligate funds in excess of the amount available under such a sequestration. Consequently, FSIS must prepare to furlough personnel, initially for a period of up to 36 hours during the period October 1–October 14, 1990, in order to remain within the limits of funds projected by OMB to be available for administration of the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). During this initial sequestration period, all employees of FSIS would be placed on unpaid furlough for as much as the last 36 hours they are scheduled to work immediately preceding October 15, 1990.

Federally funded inspection provided at official establishments, including importers and exporters, would be reduced commensurate with such furloughs, effectively shutting down establishment operations during those periods.

Furlough days for the remainder of FY 1991 will be scheduled, as necessary, based on the final sequestration order to be issued October 15 by the President and will be the subject of a future notice.

DATES: Effective October 1, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. William Hudnall, Deputy Administrator for Administrative Management, FSIS, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–4425.

SUPPLEMENTARY INFORMATION:

Background

Based on the August 25, 1990, initial Presidential Order sequestering funds under the Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. 99–177), as amended, (55 FR 35032) also known as the Gramm-Rudman-Hollings Act (hereinafter, the Balanced Budget Act), the Food Safety and Inspection Service's FY 1991 budget will be substantially reduced, effective October 1, 1990 by 32.4 percent. The amount of the sequester was determined by applying 32.4 percent sequestration of a 1991 baseline level to the 1990 appropriation. This equates to a 36.6 percent reduction below the level needed to provide current services in 1991.

The following events control FY 1991 sequestration actions absent agreement between Congress and the Administration on a FY 1991 budget accommodating the Balanced Budget Act requirements:

- OMB issued an initial sequester report on August 25, 1990, and published in the **Federal Register.**
- The President issued an initial order August 25, 1990, to take effect on October 1, 1990, and published in the **Federal Register.**
- Between October 1st and October 15th, the amounts sequestered pursuant to the initial order are required to be withheld from obligation or expenditure.
- The Director of OMB is required to

issue a final report on October 15, 1990.

- On October 15th, the President is required to issue a final order, to be effective upon issuance.
- If the final order specifies that a permanent sequester is required, then the amounts withheld under the initial order are to be permanently canceled or reduced.

Consequently, sequestration during the period of October 1st through October 14th will be based on the President's August 25, 1990, initial order, which requires a 32.4 percent sequestration to be applied to that 1st 2-week portion of FY 1991.

Sequestration amounts that may apply to FSIS's FY 1991 budget subsequent to October 14th based on the President's October 15 final order, are speculative at this time, and will be the subject of a future notice.

The PPIA and FMIA require that the Secretary of Agriculture by delegation to the Administrator of Food Safety and Inspection Service, shall couse to be made, by inspectors appointed for that propose, an examination and inspection of all livestock and poultry slaughtered for food, and food products made therefrom, and shall otherwise regulate the production and distribution of such products to assure they are wholesome, not adulterated, and properly marked, labeled and packaged. The PPIA and FMIA further provide that only inspected and passed product may be introduced into commerce. Under those laws, all establishments subject to inspection must have inspectors on duty at the establishments to inspect and pass the product being produced, or cease operations. (21 CFR 451, *et seq.*, and 21 CFR 601, *et seq.*, respectively).

Regulation of the meat and poultry activities under the PPIA and FMIA is funded by annual appropriations. Federal officers and employees are legally prohibited from obligating Federal funds in excess of appropriated amounts.

The Antideficiency Act provides criminal sanctions for exceeding an apportionment or over-obligating funds. Title 31 of the U.S.C. at section 1517(a) prohibits officers and employees of the United States Government from making an obligation or expenditure exceeding an apportionment. Violation of this provision is a criminal act (31 U.S.C. 1519).

Similarly, 31 U.S.C. 1341 prohibits Federal officers or employees from making obligations or expenditures exceeding the amounts available in an appropriation or fund, and also provides criminal sanctions for violators.

Title 31 of the U.S.C. at section 1342 prohibits Federal officers or employees from accepting voluntary services, except in limited circumstances.

When furloughs of Federal employees are effected, agencies are not authorized to permit any furloughed employee to report for or engage in any Agency employment during the period of an employee's furlough. Criminal penalties apply for violation of this section as well (31 U.S.C. 1350).

The Balanced Budget Act provides that when funds provided in annual appropriations Acts are sequestered, it shall be done from each affected program, project, and activity as set forth in the most recently enacted applicable appropriations Acts and accompanying committee reports including joint resolutions providing continuing appropriations and accompanying reports for the program, project or activity in question.

FSIS has five inspection activities for its appropriated funds: Slaughter inspection, processing inspection, import-export inspection, laboratory services, and grants to States. The Balanced Budget Act also provides for a sequester of the reimbursements (industry payment for overtime and holiday services) and trust fund activities within FSIS.

There are currently about 9,000 permanent full time (PFT) employees in FSIS, approximately 90 percent of whom are directly involved in providing inspection services at official establishments. The remaining 10 percent provide technical, scientific, and administrative support.

Approximately 87 percent of the Agency's budget is spent on employee salaries and benefits. Most of the remainder is spent on fixed costs such as space, communication systems, and direct support of inspection services such as supplies, and related services (e.g., laboratory analyses of product samples).

Notice of Intent to Furlough Personnel

The Administrator has concluded the greatest portion of the reduction in expenditures required to accommodate the projected 32.4 sequestration of FSIS' funding in FY 1991 must be applied against salaries and benefits.

Accordingly, to accommodate the initial sequestration for the period of October 1 through October 14, 1990, FSIS will be required to furlough its employees up to 36 hours to be taken the first 15 days of FY 1991.

Based on the Administrator's mandate to provide inspection services to the extent funding is available, furlough days will be further limited to the end of the period in question. Because different employees have differing work schedules, the dates of employees' last 36 scheduled work hours occuring within the 4 (4½) workdays they are scheduled to work immediately preceding Monday, October 15.

Due to the size, scope and timing of the initial sequestration, the Administrator contemplates no exceptions can be made to this initial FY 1991 furlough requirement.

Done at Washington, DC, on: August 27, 1990.

Ronald J. Prucha,

Acting Administrator.

[FR Doc. 90-20502 Filed 8-28-90; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL RIGHTS COMMISSION

West Virginia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 11 a.m. and adjourn at 1:30 p.m. on September 19, 1990, at the Holiday Inn, U.S. 50 & I-79, Clarksburg, West Virginia 26330. The purpose of the meeting is (1) to orientate the newly rechartered committee; (2) to discuss the status of the Commission; (3) to hear a report on civil rights progress and/or problems in the State; and (4) to plan a project for Fiscal Year 1991.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Marcia Pops, (304/291-7254) or Bobby D. Doctor, CCR Staff at (202/523-5264) or TDD (202/376-8117). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the regional division at least (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 22, 1990.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 90-20296 Filed 8-28-90; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Census Bureau

[Docket No. 900532-0214]

Geographic Location and Kind of Business for Single-Establishment Companies

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of determination for surveys.

SUMMARY: In conformity with title 13, United States Code, sections 182, 224, and 225 and due notice of consideration having been published on June 4, 1990 (90 FR 12844), I have determined that a 1990 Business Classification Survey is needed to update the single-establishment companies in the Standard Statistical Establishment List. The survey is designed to collect information on the geographic location and kind of business for single-establishment companies. These data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

ADDRESS: Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: W. Joel Richardson on (301) 763-7735.

SUPPLEMENTARY INFORMATION: The proposed survey has been submitted to the Office of Management and Budget in accordance with the Paperwork Reduction Act, Public Law 96-511, as amended. Report forms will be furnished to firms included in the survey and additional copies of the form are available on request to the Director, Bureau of the Census, Washington, DC 20233.

I have, therefore, directed that a survey be conducted for the purpose of collecting these data.

Date: August 22, 1990.

C.L. Kincannon,

Deputy Director, Bureau of the Census.

[FR Doc. 90-20356 Filed 8-28-90; 8:45 am]

BILLING CODE 3510-07-M

National Oceanic and Atmospheric Administration

[Docket No. 900807-0208]

Policy Regarding Applications for Permits to Approach, Harass and Feed Atlantic Bottlenose Dolphins (Tursiops truncatus) for Public Display

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of policy.

SUMMARY: On June 25, 1990, notice was published in the **Federal Register** (55 FR 25859) that an application for a permit to approach, harass and feed Atlantic bottlenose dolphins (Tursiops truncatus) for public display was denied. Denial was based on a finding that the proposed taking is not consistent with the purposes and policy of the Marine Mammal Protection Act.

During the public comment period on that application, individuals and organizations supportive of feeding cruises and those opposed commented that groups of wild animals routinely exposed to feeding activities regularly approach people for the purposes of interaction even if the fish available represent only a small percentage of the animals' daily requirements, and even if no fish are offered. This increased interaction with people can have detrimental effects on dolphins.

The Service concludes that the potential adverse impacts on the population stocks of Atlantic bottlenose dolphin and the marine ecosystem outweigh the potential benefit of the proposed activities. The Service concluded that the issuance of a permit authorizing activities intended to directly or indirectly after the natural and feeding behavior of groups of wild animals is not consistent with the purposes and policy of the Marine Mammal Protection Act. Therefore, all other applications requesting a public display permit for these types of activities will not be accepted for review and will be returned. Proposed regulations which clarify that NMFS considers activities that involve the feeding of marine mammals in the wild are takings and, therefore, prohibited under the MMPA are published elsewhere in this issue.

The agency has existing guidelines for conducting observations of marine mammals in the wild without harassment that are applicable to various regions of the U.S. and is developing national regulations that will cover marine mammal observational activities.

FOR FURTHER INFORMATION CONTACT: Ann Terbush, Chief, Permit Division, Office of Protected Resources, NOAA Fisheries, 1335 East-West Highway, room 7324, Silver Spring, Maryland 20910 (301/427-2289).

Dated: August 23, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

[FR Doc. 90-20341 Filed 8-28-90; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will hold a public meeting on September 19-20, 1990, at the Radisson Hotel Islandia, 3635 Express Drive North, Hauppauge (Long Island), NY; telephone: (516) 232-3000. The meeting will begin at 8:30 a.m., and adjourn approximately at 1:30 p.m.

The Council will discuss recommendations for 1991 quotas for surf clam/ocean quahog. There will be a report of the Bluefish Fishery Management Plan (FMP) Monitoring Committee. The Council is also proposing to adopt Amendment #1 to the Summer Flounder Fishery Management Plan (FMP), and other fishery management and administrative matters may be discussed. The Council also may hold a closed session (not opened to the public) to discuss employment and/or national security matters.

For more information contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: August 24, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-20401 Filed 8-28-90; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Senior Executive Service; Performance Review Board; Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the National Telecommunications and Information Administration Senior Executive Service (SES) Performance Appraisal System:

Harold G. Kimball
Dennis R. Connors
Richard D. Parlow
William D. Gamble
Neal B. Seitz
Larry Eads
Robert J. Mayher
William F. Utlaut
Charles M. Rush
Robert J. Matheson
David Farber

William F. Maher, Jr.
Jean M. Prewitt
Edward A. McCaw,
Executive Secretary, National Telecommunications and Information Administration, Performance Review Board.
[FR Doc. 90-20305 Filed 8-28-90; 8:45 am]
BILLING CODE 3510-BS-M

DEPARTMENT OF DEFENSE

Department of the Navy

Government-owned Inventions; Availability for Licensing

AGENCY: Department of the Navy, DOD.
ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are made available for licensing by the Department of the Navy.

Copies of patents cited are available from the Commissioner of Patents and Trademarks, Washington, DC 20231, for $1.50 each. Request for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies also may be ordered by telephone request to (703) 487-4650. Request for copies of patent applications must include the patent application serial number. Claims are deleted from the patent application copies sold to avoid premature disclosure.

DATES: (Date of Publication).

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000, telephone (202) 696-4001.

Patent 4,260,964: Printed Circuit Waveguide to Microstript Transition; filed 7 May 1979; patented 7 April 1981.

Patent 4,911,929: Scaled-up Production of Liposome-Encapsulated Hemoglobin; filed 9 May 1988; patented 27 March 1990.

Patent 4,930,854: Optical Fiber-to-Channel Waveguide Coupler; filed 3 March 1989; patented 5 June 1990.

Patent 4,932,039: Pulse Interference Canceler of High Power Out-of-Band Pulse Interference Signals; filed 8 June 1989; patented 5 June 1990.

Patent 4,932,747: Fiber Bundle Homogenizer and Method Utilizing Same; filed 7 September 1989; patented 12 June 1990.

Patent 4,932,783: Apparatus and Method for Minimizing Polarization-Induced Signal Fading in an Interferometric Fiber-Optic Sensor Using Input-Polarization Modulation; filed 21 July 1989; patented 17 June 1990.

Patent 4,934,154: Apparatus for Cooling Electronic Components in Aircraft; filed 25 January 1989; patented 19 June 1990.

Patent 4,934,927: Perforated Flame Deflector; filed 22 June 1989; patented 19 June 1990.

Patent Application 429,426: Laser Diode Pumped, Erbium-Doped, Solid State Laser With High Slope Efficiency; filed 31 October 1989.

Patent Application 459,180: Barge Connector System; filed 29 December 1989.

Patent Application 520,229: An X-Ray Source for Lithography Based on a Quasi-Optical Maser Undulator; filed 9 May 1990.

Patent Application 529,294: Zero Reel Tension Payout System; filed 29 May 1990.

Patent Application 531,422: Indicating Laser Beam Stop; filed 13 May 1990.

Patent Application 535,612: Symmetrical Layered Thin-Film Edge Field-Emitter-Array and Method for Its Production; filed 8 June 1990.

Patent Application 539,958: Long Wavelength Infrared Detector with Heterojunction; filed 18 June 1990.

Dated: August 17, 1990

Jane M. Virga,
LT, JAGC, USNR, Alternate Federal Register Liaison Officer.
[FR Doc. 90-20303 Filed -8-28-90; 8:45 am]
BILLING CODE 3810-AE-M

CNO Executive Panel Advisory; Closed Meeting

Notice was published on August 14, 1990, at 55 CFR 33147 that the Chief of Naval Operations (CNO) Executive Panel Technology Surprise Task Force will meet August 20-24, 1990 from 9 a.m. to 5 p.m., at Los Alamos National Laboratory, P.O. Box 1663, MS A112, Los Alamos, New Mexico. This meeting has been canceled. In accordance with 5 U.S.C. section 552b(e)(2), the meeting cancellation is publicly announced at the earliest practical time.

Dated: August 21, 1990.

Jane M. Virga,
Lieutenant, JAGC, USNR, Alternate Federal Register Liaison Officer.
[FR Doc. 90-20307 Filed 8-28-90; 8:45 am]
BILLING CODE 3810-AE-M

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet September 20-21, 1990 from 9 a.m. to 5 p.m. at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to review maritime issues as they impact national security policy and requirements. The entire agenda of the meeting will consist of discussions of key issues regarding national security policy, and related intelligence. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lelia V. Carnevale, Executive Secretary to the CNO Executive Panel 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: August 21, 1990.

Jane M. Virga,
Lieutenant, JAGC, USNR, Alternate Federal Register Liaison Officer.
[FR Doc. 90-20308 Filed 08-28-90; 8:45 am]
BILLING CODE 3810-AE-M

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Energy Task Force will meet September 25, 1990 from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to assess the Navy's potential role in strategic defense architecture, and related intelligence. The entire agenda for the meeting will consist of discussions of key issues regarding strategic defense systems in support of U.S. national security. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and, are in fact, properly classified pursuant to such

Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Lelia V. Carnevale, Executive Secretary to the CNO Executive Panel, 4401 Ford Avenue, Room 601, Alexandria, Virginia 22302-0268. Phone (703) 756-1205.

Dated: August 21, 1990.

Jane M. Virga,

Lieutenant, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 90-20309 Filed 08-28-90; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education; Intent To Repay to the California State Board of Education Funds Recovered as a Result of Final Audit Determination

AGENCY: Department of Education.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), 20 U.S.C. 1234e (1982), the U.S. Secretary of Education (Secretary) intends to repay to the California State Board of Education, the State educational agency (SEA), the sum of (1) $196,249, an amount that is approximately 48 percent of the funds recovered by the U.S. Department of Education (Department) under former title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA), as a result of a final audit determination; and (2) $127,622, an amount that is approximately 75 percent of the funds recovered under former titles II, III, and V of the ESEA. This notice describes the SEA's plans for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. The notice invites comments on the proposed grantbacks.

DATES: All comments must be received on or before September 28, 1990.

ADDRESSES: Comments concerning the $196,249 grantback should be addressed to Dr. Thomas Fagan, Acting Director, Division of Program Support, Compensatory Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2043, Washington, DC 20202-6132; comments concerning the $127,622 grantback should be addressed to Mrs. Alicia Coro, Director, School Improvement Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-6439.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas Fagan, Telephone: (202) 401-1682; Mrs. Alicia Coro, Telephone: (202) 401-0657.

SUPPLEMENTARY INFORMATION:

A. Background

The Department has recovered $659,291 from the SEA in response to claims arising from an audit conducted by the Health, Education, and Welfare Audit Agency of seven Federal programs covering fiscal year (FY) 1975.

The claims involved the SEA's administration of title I, title II, title III, and title V of the ESEA; the Vocational Education Act of 1963, part B; the Manpower Development and Training Act; and the Adult Basic Education Act. Specifically, the final audit determination of the Deputy Commissioner for Elementary and Secondary Education (Deputy Commissioner) found that Federal funds has been spent in violation of the cost principles found in 45 CFR parts 100 a and b, Appendix B, part II-(b)(10)(b)(1974), which required that employees with multiprogram responsibilities maintain time distribution records. The SEA appealed the determination of the Deputy Commissioner to the Education Appeal Board (EAB). The initial decision of the EAB was issued on August 1, 1985, and that decision became the Secretary's final decision. The SEA appealed the decision to the United States Court of Appeals for the Ninth Circuit. On June 9, 1987, while the case was pending, the parties in the case entered into a settlement agreement under which the SEA was to repay $659,291 to the Department in full settlement of the appeal. Of the $659,291 the SEA repaid on August 6, 1987, $412,254 was for misspent title I funds and $170,163 was for misspent titles II, III, and V funds.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e(a), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the SEA or local educational agency (LEA) affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and the SEA or LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the equipments of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of funds to be awarded under the grantback arrangement in accordance with the SEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

(i) Chapter 1 grantback

Pursuant to section 456(2)(2) of GEPA, the SEA has applied for a grantback and has submitted a revised plan for use of $196,249 of the grantback funds to carry out administrative responsibilities for programs administered under Chapter 1 of title I of the ESEA (chapter 1). This amount is approximately 48 percent of the funds recovered for improper expenditures of Title I funds. Since chapter 1 has superseded Title I, the SEA's proposal reflects the requirements for administering Chapter 1—a program, similar to Title I, designed to serve educationally deprived children in low-income areas.

The SEA's plan proposes that the SEA will use the grantback funds to supplement the level of technical assistance provided by the SEA to LEAs. According to the three-part plan, the SEA would use $146,930 of the grantback funds to sponsor Institutes for Parent Involvement to train parents and teachers to work more effectively with Chapter 1 students. During two Saturday sessions, 315 participants from 60 schools that have been selected for program improvement under Chapter 1 requirements would be trained. Teams of trained parents and teachers would then conduct at least four workshops during the year in their districts using training materials developed with grantback funds. Under the second module, $31,996 would be used to develop materials for parents to be used in Home-School Partnership training

sessions, the purpose of which is to make parents familiar with goals of Chapter 1 and parent assistance publications. Under the third module, $17,323 would be used for six one-day symposia to provide training in Chapter 1 program improvement requirements for 500 participants from 79 low-performing programs in 21 districts at sites convenient to their geographic areas. This training would be open to Chapter 1 staff members who participated in the California-Local Educational Reform Network (C–LERN) Summer Institute. C–LERN provides a medium whereby the school redefines its purpose, redirects resources, reshapes educational programs, and increases student achievement. The six symposia would relate these activities to Chapter 1 school program improvement requirements. Parents and staff who work with Chapter 1 private school children would participate in all of the training sessions provided by the SEA.

(ii) Chapter 2 grantback

Pursuant to section 456(a)(2) of GEPA, the SEA has also applied for a grantback of $127,622 and has submitted a plan for use of the grantback funds under Chapter 2 of the ESEA. Part of the final audit determination resulted from improper expenditures of funds made under former ESEA titles II, III, and V, and those programs are predecessor programs to programs currently authorized under chapter 2 of title I of the ESEA.

Under this plan, the SEA proposes to implement a "Back-to-School Activity for Local School Board Members." The major purpose of the project would be to provide training to school district superintendents and school board members regarding the content and methodologies teachers need to master to deliver a more vigorous curriculum. Specifically, 2,000 school superintendents and board members from public and private schools would participate in a one-day training session. Activities would include an opening session, followed by one-hour classes in four of six core curriculum areas—mathematics, English language arts, foreign languages, visual and performing arts, science, and history-social science. The classes would be taught by master teachers who are knowledgeable of core curriculum content and who have been trained in exemplary institutional approaches by California's existing statewide curriculum projects. Finally, participants would attend a panel discussion to review the higher level skills and instructional strategies to which they were introduced. The discussion would also include planning for introducing such strategies and techniques into the curriculum provided by each participant's district.

D. The Secretary's Determinations

The Secretary has carefully reviewed the plans submitted by the SEA. Based upon that review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 456 of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or final audit determinations.

E. Notice of the Secretary's Intent to Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the California SEA under a grantback arrangement. One grantback award would be in the amount of $196,249, which is approximately 48 percent of the title I funds recovered by the Department as a result of the audit. The other award would be in the amount of $127,672, which is approximately 75 percent of the recovered title II, III, and V funds.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

The SEA agrees to comply with the following terms and conditions under which payments under a grantback arrangement would be made:

(1) The funds awarded under the grantbacks must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plans that the SEA submitted and any amendments to the plans that are approved in advance by the Secretary; and

(c) The budgets that were submitted with the plans and amendments to the budgets that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be obligated by September 30, 1990 in accordance with section 456(c) of GEPA.

(3) The SEA will, not later than January 1, 1991, submit reports to the Secretary which—

(a) Indicate that the funds awarded under the grantbacks have been spent in accordance with the proposed plans and approved budgets, and

(b) Describe the results and effectiveness of the projects for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(5) Before funds will be repaid pursuant to this notice, the SEA must repay to the Department any debts that become overdue, or enter into a repayment agreement for those debts.

(Catalog of Federal Domestic Assistance Number 84.012, Educationally Deprived Children—State Administration and 84.151, chapter 2 of title I of the Elementary and Secondary Education Act of 1965, as amended)

Dated: August 23, 1990.

Lauro F. Cavazos,

Secretary of Education.

[FR Doc. 90–20353 Filed 8–28–90; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No. 84.116A&B]

Fund for the Improvement of Postsecondary Education; Comprehensive Program (Preapplications and Applications) FY 1991

Purpose of program: To provide grants to or enter into cooperative agreements with institutions of postsecondary education and other public and private institutions and agencies to improve postsecondary education and educational opportunities.

Deadline for transmittal of preapplications: October 16, 1990.

Deadline for transmittal of final applications: March 1, 1991.

Deadline for intergovernmental review: May 3, 1991.

Applications available: August 24, 1990.

Estimated range of awards: $15,000 to $150,000 per year.

Estimated size of awards: $67,000.

Estimated number of awards: 60.

Project period: 12 to 36 months.

Available funds: The President's Budget for Fiscal Year 1991 includes $11,702,000 for the Fund for the Improvement of Postsecondary. Education (FIPSE). Of this amount, approximately $4,000,000 is available for

an estimated 60 new awards under the Comprehensive Program. The Congress has not yet completed action on the Fiscal Year 1991 appropriation. The estimates above assume passage of the President's Budget. These estimates, however, do not bind the Department of Education to a specific number of grants or to the amount of any grant.

Applicable regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, and 85; and (b) The regulations for this program in 34 CFR part 630.

Priorities

The Secretary supports a broad range of programs that seek to improve postsecondary education. In accordance with 34 CFR 75.105(c)(1), the Secretary invites applications addressing the following priorities. However, the list is not meant to be exhaustive. Projects that do not meet any of these priorities are also eligible for support if they address other immediate problems or issues in postsecondary education. Applications are invited that seek to—

(1) Ensure that undergraduate curricula provide the knowledge and skills needed by educated citizens;

(2) Ensure that recent increases in access to postsecondary education are made meaningful by improving retention and completion rates without compromising program standards;

(3) Make campus culture more conducive to academic commitment by all postsecondary students by developing a learning friendly campus ethos;

(4) Improve the scope and quality of international education;

(5) Improve the quality of undergraduate education and graduate education by raising academic standards, strengthening the liberal arts component of undergraduate professional programs, developing means of assessing programs and institutions, and recognizing and rewarding outstanding undergraduate teaching through hiring, tenure, and promotion policies;

(6) Reform the education of school teachers by increasing current and prospective teachers' mastery of the subjects they teach, ensuring that prospective teachers have a solid grounding in the liberal arts, and attracting more people of commitment and high intellectual ability to the teaching profession;

(7) Reform graduate education by fostering the teaching skills of Ph.D. candidates bound for careers in teaching, and broadening the social and ethical perspectives of students in professional graduate programs generally;

(8) Improve financing and educational reform;

(9) Strengthen postsecondary educational institutions and organizations through faculty development, and by recognizing and rewarding good teaching;

(10) Make postsecondary education responsive to changes in the nation's economy; or

(11) Develop educational uses of technology, including computers, television, and other electronic media.

Selection Criteria

Applications will be evaluated on the basis of the following selection criteria chosen from those listed in 34 CFR 630.32:

(a) *Significance for Postsecondary Education.* Each proposed project will be reviewed for its significance in improving postsecondary education by determining the extent to which it would—

(1) Address an important problem or need;

(2) Represent an imrprovement upon, or important departure from, existing practice;

(3) Involve learner-centered improvements;

(4) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and

(5) Increase the cost-effectiveness of services.

(b) *Feasibility.* Each proposed project will be reviewed for its feasibility by determining the extent to which—

(1) The proposed project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the proposed project as evidenced by, for example—

(i) The applicant's understanding of the problem or need;

(ii) The quality of the project design, including objectives, approaches, and evaluation plan;

(iii) The adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(iv) The qualifications of key personnel who would conduct the project; and

(v) The applicant's relevant prior experience;

(3) The applicant and any other participating organizations are committed to the success of the proposed project, as evidenced by, for example—

(i) The contribution of resources by the applicant and by participating organizations;

(ii) Their prior work in the area; and

(iii) The potential for continuation of the proposed project beyond the period of funding (unless the project could be self-terminating); and

(4) The proposed project demonstrates potential for dissemination to or adoptation by other organizations, and shows evidence of interest by potential users.

(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Secretary is appropriate in terms of the availability of other funding sources for the proposed activities.

For preapplications (preliminary applications) the selection criteria under Significance for Postsecondary Education are more important than those under Feasibility and Appropriateness of funding projects, which are equally important. For applications (final applications), all criteria are equally important. Within each of these criteria equal weight will be given to each of the subcriteria. In applying the criteria, the Secretary first analyzes a preapplication or application in terms of each individual criterion. The Secretary then bases final judgement on an overall assessment of the degree to which the applicant addresses all selection criteria.

For Applications and Information Contact: The Fund for the Improvement of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., room 3100, ROB–3, Washington, DC 20202–5175. Telephone: (202) 708–5750.

Authority: 20 U.S.C. 1135.

Dated: August 2, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 90–20287 Filed 8–28–90; 8:45 am]

BILLING CODE 4000–01–M

National Board of the Fund for the Improvement of Postsecondary Education; Meeting.

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice

also describes the functions of the Board. Notice of this meeting is required under section 10(a) (2) of the Federal Advisory Committee Act.

DATES AND TIMES: September 17, 1990 from 8 a.m. to 5 p.m. and on September 18, 1990 from 8 a.m. to 5 p.m.

ADDRESSES: The Grand Hotel, 2350 M Street NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Charles Karelis, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets SW., Washington, DC 20202 (202) 708–5750.

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1001 of the Higher Education Amendments of 1980, title X (20 U.S.C. 1135a-1). The National Board of the Fund is authorized to recommend to the Director of the Fund and the Assistant Secretary for Postsecondary Education priorities for funding and approval or disapproval of grants of a given kind.

The Meeting of the National Board is open to the public. The proposed agenda includes:

—Recapitulation of FY 1990 competitions;
—Joint meeting of FIPSE and FIRST (Fund for the Improvement and Reform of Schools and Teaching) Boards to provide an overview of FIPSE and FIRST priorities and programs and mutual interests; and
—Observation and participation in jointly-sponsored FIPSE/FIRST conference on articulation and sponsorships.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, Room 3100, Regional Office Building #3, 7th & D Streets, SW., Washington, DC 20202 from the hours of 8 a.m. to 4:30 p.m.

Leonard L. Haynes, III,

Assistant Secretary, for Postsecondary Education.

[FR Doc. 90–20357 Filed 8–28–90; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Arbitration Panel Decision Under the Randolph-Sheppard Act

AGENCY: Department of Education.

ACTION: Notice of arbitration panel decision under the Randolph-Sheppard Act.

SUMMARY: Notice is hereby given that on May 8, 1989, an arbitration panel rendered a decision in the matter of *Wayne Hinton, vendor,* v. *the State of Tennessee, Tennessee Department of Human Services, State licensing agency* (Docket No. R–S/89–1). This panel was convened by the Secretary of the Department of Education pursuant to Court order entered in the case of *Hinton* v. *United States Department of Education et al.,* No. CIV–1–87–407 (E.D. Tenn. Sept. 13. 1988).

FOR FURTHER INFORMATION CONTACT: George F. Arsnow, Chief, Vending Facility Branch, Division for Blind and Visually Impaired, Rehabilitation Services Administration, room 3230, Mary E. Switzer Building, Department of Education, 330 C Street, SW., Washington, DC 20202–2738. Telephone: (202) 732–1327 or TTY (202) 732–1298. A synopsis of the panel's decision follows. The full text of the arbitration panel decision can be obtained from this contact.

Dated: August 23, 1990.

Dr. Robert R. Davila,

Assistant Secretary for Special Education and Rehabilitative Services.

Synopsis of Arbitration Panel Decision

Procedural History

Wayne Hinton, complainant, is a blind vendor licensed by the respondent, the Tennessee Department of Human Services, Division of Services for the Blind, the State licensing agency (SLA). Since April of 1978, Mr. Hinton has operated a vending facility located at the "power site" of the Tennessee Valley Authority (TVA) Watts Bar Nuclear Power Plant in Rhea County, Tennessee. He has operated this facility pursuant to a permit between the SLA and TVA granted under the Randolph-Sheppard Act (the Act), 20 U.S.C. 107 *et seq.* At that time, there existed a separate permit between the SLA and TVA for the operation of vending machines on the "construction site" of the plant. These machines were not assigned to blind vendors, but instead were operated pursuant to a subcontract between the State agency and a private contractor.

On August 30, 1984, Mr. Hinton filed an appeal with the State agency claiming a portion of the income derived from the construction site machines under 20 U.S.C. 107d–3 and 34 CFR 395.8 and 395.32. Under these provisions, 100 percent of "income" (as defined in 20 U.S.C. 107e) from vending machines on Federal property that are in "direct competition" with a blind-operated facility accrues to the blind vendor on the same premises. The SLA had not distributed any of the income from the construction site machines to Mr. Hinton because it took the position that the construction site and the power site were separate Federal properties within the meaning of the Act. This position was based on the assertion that the two areas were under separate administrative management within TVA, and that the employees in the construction site did not generally have access to the employees in the power site because of security barriers.

After an evidentiary hearing provided to Mr. Hinton under 20 U.S.C. 107d–1(a), a hearing officer issued an Initial Order on February 20, 1985, in which he directed the State to make payments to Mr. Hinton of all past and future income from the competing vending machines in accordance with the statutory formula in 20 U.S.C. 107d–3. However, the State's Final Order, issued March 26, 1985, reversed the Initial Order, and denied Mr. Hinton's monetary claim.

Mr. Hinton filed a complaint with the Secretary of Education on April 19, 1985, to convene an arbitration panel to hear his dispute. He requested distribution of income from the construction site machines from April, 1978, through May, 1986, when the SLA assigned other blind vendors to manage these machines.

On July 16, 1986, the Department of Education declined to convene a panel under 20 U.S.C. 107d–1(a) on the grounds that no prospective relief could be provided to Mr. Hinton because the construction site machines were operated by blind vendors as of May, 1986. The Department took the position that an arbitration panel does not have the authority to award retroactive damages or attorneys fees against States participating in the Randolph-Sheppard Act because of the absence of authorization in the statute and because of the sovereign immunity protection granted to States under the Eleventh Amendment to the U.S. Constitution.

On November 20, 1987, Mr. Hinton filed a complaint in Federal court against both the Department of Education and the Tennessee Department of Human Services to overturn the decision not to convene a panel. On September 13, 1988, the court ordered the Secretary of Education to convene a panel to hear Mr. Hinton's claim. *Hinton* v. *United States Department of Education,* No. CIV–1–87–407 (E.D. Tenn., September 13, 1988). Pursuant to this order, the Department of Education authorized the convening of a panel on November 16, 1988, to arbitrate Mr. Hinton's claim of entitlement to vending machine income under 20 U.S.C. 107d–3.

Arbitration Panel Decision

Citing the definition of "Federal Property" under the Act in 20 U.S.C. 107e(3), the panel found that the Watts Bar Nuclear Power Plant constituted a single Federal property. On this point, the panel determined that at all times material to the dispute, TVA had treated the plant as a single property, notwithstanding the fact that TVA had divided the construction site from the power site for administrative purposes. The panel further found as a fact that the vending machines under private contract at the construction site were in direct competition with Mr. Hinton's facility. The panel therefore ordered the SLA to pay Mr. Hinton the statutory formula amount under 20 U.S.C. 107d–3, which amounted to $133,354.00. The State was also directed to pay interest at the rate of 10% per annum on this amount and to pay Mr. Hinton's attorneys fees incurred in the arbitration proceeding.

The panel rejected the SLA's argument that the Eleventh Amendment constituted a bar to an award of damages. The panel ruled that the Eleventh Amendment "is not part of the statutes under which this panel is convened, is outside the purview of the panel in arbitration and is not a bar to * * * a proper award by this panel." Relying on the rationale expressed by the court in the case of *Delaware Department of Health and Human Services* v. *U.S. Department of Education, 772 F.2d 1123 (3rd Cir. 1985), the panel found that arbitration panels are authorized to award compensatory relief, if appropriate, in order to make blind vendors whole for loss of income, and that such an award may include attorneys fees.*

The panel representative selected by the SLA filed a dissenting opinion in which he maintained that the State was entitled to the sovereign immunity protection contained in the Eleventh Amendment, and that the State had not waived this immunity by participation in the Randolph-Sheppard program.

The decision of the arbitration panel is judicially reviewable under 20 U.S.C. 107d–2. The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department of Education.

[FR Doc. 90–20286 Filed 08–28–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96–511, 44 U.S.C. 3501 *et. seq.).* The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) an estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before September 28, 1990. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards (EI–73) Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586–2171.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. International Affairs and Energy Emergencies
2. IE–411
3. 1901–0286
4. Coordinated Regional Bulk Power Supply Program
5. Reinstatement
6. Annually
7. Voluntary
8. Businesses or other for profit, State or local governments, Federal agencies or employees
9. 737 respondents
10. 737 responses
11. 26.4 hours per response
12. 19,451 hours
13. The IE–411 provides a single, comprehensive sources of information on current and planned electric power supply for the U.S. The data are used to evaluate the current and projected reliability of bulk electric power supply, and the effects of unforeseen changes in powerplant construction schedules. The ten Regional Electric Reliability Councils request information from member utilities and then submit consolidated reports.

Authority: Sections 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, August 23, 1990.

Yvonne Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 90–20346 Filed 8–28–90; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER90–290–000]

Enron Power Enterprise Corp.; Issuance of Commission Order and Comment Period

August 22, 1990.

Take notice that on August 16, 1990, the Federal Energy Regulatory Commission issued an Order Accepting Rates For Filing And Granting Waivers.

On March 28, 1990, Enron Power Enterprise Corp. (Enron Power)

submitted a Power Purchase Agreement (The Agreement) between Enron Power and New England Power Company (NEPCO). The Agreement results from a request by NEPCO for power supply proposals and provides for the sale by Enron Power to NEPCO of 58% of the net electric output of a 140 MW gas-fired, combined cycle, baseload generating facility which Enron Power plans to build. The facility will be built in Milford, Massachusetts, or in some alternate location in Massachusetts if the Milford site proves to be unsuitable. Enron Power requested that the Commission find that its proposed rates to NEPCO are just and reasonable, and that the Commission grant waiver of certain of its regulations.

The Commission's August 16, 1990 order in Ordering Paragraphs (E), (F) and (G) reads as follows:

(E) Within thirty (30)days of the date of this order, any person desiring to be heard or to protest the Commissions blanket approval of issuances of securities or assumptions of liability by Enron Power should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214 (1989)).

(F) Absent a request for hearing within the period set forth in Ordering Paragraph (E) above, Enron Power is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

(G) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Enron Power's issuance of securities or assumptions of liability.

Notice is hereby given that the deadline for filing a motion to intervene or protest, as set forth above, is September 17, 1990.

Copies of the full text of the order are available from the Commission's Public Reference Branch, room 3308, 941 North Capitol St., NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 90-20306 Filed 8-28-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Energy Research

[Public Notice 90-8]

Supercomputer Time Allocation for Global Climate Change Research

AGENCY: Office of Energy Research, DOE.

ACTION: Notice inviting requests for supercomputer time.

SUMMARY: The Office of Health and Environmental Research of the Department of Energy hereby announces its interest in receiving requests for supercomputer time to support the Atmospheric and Climate Research Division's (ACRD) efforts in understanding and diagnosing the performance of the climate models, and in developing an advanced climate model. This is not an announcement for Special Research grant applications.

ACRD is interested in receiving requests for supercomputer time that supports the Computer Hardware, Advanced Mathematics and Model Physics (CHAMMP) Research Program. Requests shall be related to the following research areas:

(1) The feasibility of using atmospheric or coupled atmospheric-oceanic general circulation models (GCMs) for the prediction of climate variations over a 10–100 year time scale;

(2) The improvement of model representations of key physical processes (such as surface processes, convection, cloudiness, etc.) using advanced mathematics and software;

(3) The improvement in the degree of parallel processing possible in GCMs of climate; and

(4) Participation in the climate model diagnosis and intercomparison to identify and understand differences among GCMs.

Requestors may apply for any combination or all of (1), (2), (3), and (4) above; however a separate request is required for each.

Requests shall be no longer than five (5) typewritten pages. Lengthy appendices are not encouraged. The requested supercomputer time shall be based on CRAY-1 equivalent hours, known as Computer Recharge Units (CRU). The requests shall include a statement on how the time estimate is calculated and the estimated archival/storage requirements. Because memory is also a computational resource, users are also "charged" CRU's for memory. A successful application must include a statement of the problem being addressed, the relationship to the objectives of this announcement, the approach to be applied, and the expected result. It is critical to state how the supercomputer access will advance/enhance existing funded research efforts as this announcement is directed at providing supercomputer assistance to existing global climate change research. Supercomputer time allocations will generally be for a 9- to 12-month period beginning in early 1991. Requests may be made for blocks of time or distributed time over the period.

The requests will be evaluated against the following equally weighted criteria:

- The Scientific and Technical Merit of the Enhanced Research
- The Appropriateness of the Proposed Method or Approach
- Competency of the Research Personnel and Adequacy of the Proposed Resources
- Reasonableness and Appropriateness of the Requested Allocation of Supercomputer Time

ACRD may be assisted in the review by both DOE and non DOE experts, as appropriate.

Allocation of CRU's will be through the National Energy Research Supercomputer Center (NERSC) at DOE's Lawrence Livermore National Laboratory (LLNL). The computers presently available are of the CRAY-2 class and are expected to include a CRAY-3 or equivalent in the future.

Access to the NERSC can be obtained through a number of networks including INTERNET (NSFNET, ESNET, etc.), TYMENET and a variety of other communication links.

DATES: Requests should be sent to the address below by November 1, 1990.

ADDRESSES: Requests referencing Program Announcement 90-08 should be forwarded to: U.S. Department of Energy, Atmospheric and Climate Research Division, Office of Energy Research, ER-76, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Dr. Ari Patrinos, Atmospheric and Climate Research Division, Office of Health and Environmental Research, ER-76, Washington, DC 20585, (301) 353-4375.

SUPPLEMENTAL INFORMATION: One of the major scientific objectives of the Atmospheric and Climate Research Division is to improve the performance of predictive models of the Earth's climate and to thereby make predictions of the response to the climate system to increasing concentrations of greenhouse gases. This directly supports the National Energy Strategy and the U.S. Global Change Research Program

The CHAMMP research program is a multi-year program to accelerate and improve climate prediction on global and regional scales.

1. Successful requests for time in support of (1) above, will perform numerical simulations using GCMs of climate to test their capacity for predicting climate and climate change for a 10–100 year time scale.

2. Successful requests for time in support of (2) above, will participate in the modeling portion of CHAMMP. These applicants must demonstrate that the supercomputer time will significantly advance/enhance the development of new representations of key physical processes such as surface processes, convection, and cloud evolution. Transportability among GCMs and independence of model resolution is essential.

3. Successful requests for time in support of (3) above will participate in the CHAMMP effort to accelerate the parallelization of GCMs. These applicants must demonstrate that the supercomputer time will accelerate the development of GCMs capable of utilizing the multi-tasking opportunities on the CRAY–2 and CRAY–3 computers. Transportability among GCMs is highly desirable.

4. Successful requests for time in support of (4) above will participate in an expanded international model intercomparison in support of CHAMMP. Simulations of five to ten years length, are to be carried out with a standard set of boundary and initial conditions to calculate a prescribed set of diagnostics.

Up to 13,000 CRUs are expected to be available in calendar 1991. Allocation among (1), (2), (3), and (4) above will depend on the number and quality of the requests received.

Available from ACRD (see address above) to assist prospective requestors are:

- Draft Plan for CHAMMP—Computer Hardware, Advanced Mathemetics and Model Physics—A Department of Energy Initiative in Global Climate Change, March, 1990.
- The NERSC algorithm for calculating CRUs.
- Description of the common set of experimental conditions and diagnostics for (4) above.

Issued in Washington, DC, on August 20, 1990.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 90–20347 Filed 8–28–90; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals Cases Filed With the Office of Hearings and Appeals; Week of July 6 Through July 13, 1990

During the week of July 6 through July 13, 1990, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: August 22, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARING AND APPEALS

[Week of July 1 through July 8, 1988]

Date	Name and location of Applicant	Case No.	Type of submission
July 9, 1990	New York, Albany, New York	LER–0006	Request for Modification/Rescission. If Granted: The March 22, 1990 Decision and Order (Case No. LEG–0001) issued to New York would be rescinded regarding New York's proposed use of Stripper Well Funds for the "Oil Energy Conservation Program."
July 10, 1990	Franc Pajek Company, Walnut Creek, California.	LFA–0057	Request for Modification/Rescission of Freedom of Information Appeal Denial. If Granted: The June 25, 1990 Decision and Order (Case No. LFA–0050) issued to Franc Pajek Company would be rescinded and the firm would receive access to all of the bids submitted for the Lawrence Livermore National Laboratory's Labor Only Contract RFQ #5724900A.
July 12, 1990	Texas, Austin, Texas	LFA–0058	Appeal of an Information Request Denial. If Granted: The June 11, 1990 Freedom of Information Request Denial issued by the Office of Management Systems, Economic Regulatory Administration, would be remanded for a full and adequate search for the document requested by the State of Texas regarding a draft Proposed Remedial Order intended for American Petrofina, Inc.

REFUND APPLICATIONS RECEIVED

Date received	Name of refund proceeding/name of refund application	Case No.
7/22/88	Martin's Exxon	RF307–10137.
4/4/90	Ogden/Ridgeland Shell	RF315–10001.
6/21/90	Wyckoff Company	RF315–10000.
7/2/90	The Boswell oil Company	RF322–1.
7/6/90 through 7/13/90.	Texaco Refund Applications Received	RF321–7664 through RF321–7838.
7/6/90 through 7/13/90.	Gulf oil Refund Applications Received	RF300–11180 through RF300–11195.
7/9/90	Deefield Garage	RF304–11942.
7/9/90	Hawkins & Campbell, Inc	RF272–78671.
7/9/90	Huntsville Utilities	RF272–78672.
7/9/90	Bergen Fuel Oil Co., Inc	RF307–10133.
7/9/90	Weitzell & Excavating, Inc	RC272–91.
7/9/90	Helen M. Austin	RF307–10134.

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of refund proceeding/name of refund application	Case No.
7/9/90	Gwen Hodges	RF307-10135.
7/9/90	Ralph L. Emerson	RF307-10136.
7/10/90	R.S. Albright, Inc	RC272-92.
7/11/90	Starrett Spur	RF309-1408.
7/12/90	Dunbar's Texaco	RF311-12.
7/12/90	Phila Dry Yeast Co	RC272-93.

[FR Doc. 90-20348 Filed 8-28-90; 8:45 am]
BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of July 2 Through July 6, 1990

During the week of July 2 through July 6, 1990 the decisions and orders summarized below were issued with respect to applications for refund or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Refund Applications

Exxon Corp.; Suwanee Exxon, 7/3/90; RF307-6540, RF307-10128

The DOE issued a Decision and Order concerning two Applications for Refund filed in the Exxon Corporation special refund proceeding. Both applications were based on the purchases of Exxon products by Suwanee Exxon. One application, filed by Kevin Herbert, the current owner of Suwanee, was denied because the right to a refund was not transferred to him from the previous owner. Eugene T. Whitehead, the previous owner, who filed the other application, was found eligible to receive a refund because he was the owner of Suwanee during the consent order period. The sum of the refund granted was $1,240 ($949 principal plus $291 interest).

Gulf Oil Corp./Boggus Midway Gulf, et al., 7/5/90; RF300-8169, et al.

The DOE issued a Decision and Order concerning four Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. None of the applicants substantiated its claim as a purchaser of Gulf products during the consent order period. Accordingly, all four Applications were denied.

Gulf Oil Corporation/Preston Gillespie, 7/3/90; RF300-11156

The DOE issued a Supplemental Order concerning an Appliction for Refund in the Gulf Oil Corporation special refund proceeding on behalf of Preston Gillespie. The DOE determined that Preston Gillespie received refund monies to which he was not entitled. Accordingly, Preston Gillespie was required to remit the sum of $317 to the DOE.

Henningsen Construction, Inc., 7/3/90; RF272-22575

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Henningsen Construction, Inc., based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant, a ready-mix concrete company, stated on its application that it purchased 10,300,174 gallons during the refund period. Part of this gallonage was disallowed, however, because it was based on the liquid asphalt content of bituminous concrete purchased by the firm. Another part of the gallonage total was disallowed because the firm had guaranteed raw material prices for part of its contracts with suppliers. Accordingly, the DOE granted the applicant a refund of $1,170, based on a reduced gallonage total of 1,462,700.

IBM Corporation, et al., 7/5/90; RC272-88, et al.

The DOE issued a Decision and Order correcting misstatements contained in three Decisions granting refunds to IMB Corporation (RF272-27786), Johnson & Johnson (RF272-09906), and Schwan's Sales Enterprises (RF272-06111), on June 18, 20, and 29, 1990, respectively. Each of these Decisions contained a statement that the data presented in the objections filed by a group of States was insufficient to shift the burden of proof back to the Applicant. The DOE intended to state that the data presented by the States was insufficient to shift the burden of going forward with the evidence back to the Applicant. As in any DOE refund proceeding, the burden of proof remains with the Applicant at all times.

Phillips Concrete Inc., 7/2/90; RF272-49407

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Phillips Concrete, Inc., based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant, a ready-mix concrete company, stated on its application that it produced 204,840 cubic yards of concrete during the refund period. This was converted to 204,840 gallons of petroleum products using a conversion factor of one gallon of fuel per cubic yard of concrete produced. *See Walt Flanagan and Company*, 20 DOE ¶ 85,116 (1990). As the applicant was an end-user of the products it claimed it was therefore presumed injured. Accordingly, the DOE granted the applicant a refund of $164.

Shell Oil Company, Brewer Oil Company et al., 7/3/90; RF315-6206 et al.

The DOE issued a Decision and Order granting seven applications for refund filed in the Shell Oil Company special refund proceeding. The three firms which filed the seven applications were commonly owned, and the applications were therefore considered together under the relevant presumption of injury. The applicants were mid-level purchasers who collectively purchased 87,934,803 gallons of petroleum products directly from Shell. Accordingly, the applicants were granted a refund equal to 40 per cent of their volumetric share plus a proportionate share of the interest that has accrued on the Shell escrow account. The sum of the refunds granted was $10,094 ($7,949 principal plus $2,145 interest).

Texaco Inc./H&H Texaco, 7/5/90; RF321-1581, RF321-5587

The DOE issued a Decision and Order denying duplicate refund applications from the Texaco Inc. consent order find filed by H&H Texaco. The applicant filed two applications within three months of each other. Both applications certified that the applicant had filed only one refund application in the Texaco refund proceeding. In view of the false certification, the DOE determined that both refund applications should be denied.

Texaco Inc./Southside Texaco, 7/5/90; RF321-5423, RF321-5686

The DOE issued a Decision and Order denying duplicate refund applications from the Texaco Inc. consent order fund filed by Southside Texaco. The applicant filed two applications within six days of each other. Both applications certified that the applicant had filed only one refund application in the Texaco refund proceeding. In view of the false certification, the DOE determined that both refund applications should be denied.

Refund Applications

The Office of Hearings and Appeals granted refunds to refund applicants in the following Decisions and Orders:

Name	Case No.
City of Idaho Falls—Gen. Ser. *et al.*	RF272-60500
Farmer's Elevator Inc. of Mercer County *et al.*	RF272-44236
Shell Oil Co., Boots Brothers Oil Co., Inc. *et al.*	RF315-6046
Southern Cayuga Ctrl School District *et al.*	RF272-61503
States Industries, Inc. *et al.*	RF272-66503
Stokely USA, Inc. *et al.*	RF272-64517

Dismissals

The following submissions were dismissed:

Name	Case No.
Advanced Fuel Components, Inc	RF300-8008
Bud's Getty	RF321-6390
Community Texaco	RF321-140
Eugene J. Rosato	RF321-3883
F.L. Parker Distributor	RF321-212
F.L. Parker Texaco	RF321-213
J.C. Auto Repair	RF321-4881
Harold E. Russell	RF300-7987
Matt's E-Z Go Service	RF304-7593, RF307-7331, RF315-5912, RF321-2648
Mineola Bicycle & Mower	RF300-7885
Parker's Airport Texaco	RF321-1160
Pavia's Shell Service	RF315-3395
Rose Gulf Center	RF300-7725
Sandy Lane Arco	RF304-9784
Servando's Service, Inc.	RF300-7994
Sid Auto Service	RF300-7955
Terminal Taxi	RF300-7894
Texmart Texaco	RF321-1335
Thom Lesage Gulf	RF300-7960
Unlimited Organization, Inc	RF300-7685
Vassor's Service Station	RF300-7749
Village Texaco	RF321-5248
W&F Service Center	RF300-7337

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: August 22, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 90-20349 Filed 8-28-90; 8:45 a.m]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-300223; FRL-3799-6]

Meeting on Pesticide Reregistration Policy Issues

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing that there will be a one and a half day meeting to review issues regarding reregistration policies and to listen to comments and ideas from the public. The meeting is open to the public, but seating capacity is limited to 200.

DATES: The meeting will be held on Monday, September 24, 1990, from 8 a.m. to 5 p.m., and Tuesday, September 25, 1990, from 8:30 a.m. to 12:30 p.m.

ADDRESSES: The meeting will be held at the Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, VA 22202, (703)-920-3230.

FOR FURTHER INFORMATION CONTACT: For information on the meeting schedule, location and reservations (by mail): Karen Cox, Delta Research Corp., 1401 Wilson Boulevard, Arlington, VA 22209. Telephone: (703) 841-1900, Fax (703)-247-8343. For information on the meeeting agenda, presentations, and format (by mail): Lois A. Rossi, Chief, Reregistration Branch, Special Review and Reregistration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and Fax number: Crystal Station, 3rd Floor, 2805 Jefferson Davis Hwy., Arlington, VA (703)-803-8080, Fax: (703)-803-8005.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to present to interested parties for discussion and input certain reregistration policies that the Agency proposes to follow in implementing Phase 5 of the reregistration process as mandated by FIFRA.

The 1988 FIFRA amendments require the reregistration of all pesticides registered prior to November 1, 1984. The reregistration process for these pesticides is to be completed within 9 years of the enactment of the legislation. In repsonse to carrying out this mandate, the Agency has identified a number of issues concerning the reregistration process and has formulated proposed policies. The proposed policies are complex, and until this time have been looked at only from the Agency's viewpoint. This meeting is an opportunity for the public to listen to the proposed policy decisions and for the Agency to obtain comments and suggestions. This meeting is intended to provide the Agency with useful feedback on the policies as well as to help to identify significant problems relating to their implementation.

The meeting agenda calls for presentation of the following topics: (1) Making reregistration eligibility decisions on active ingredients; (2) science criteria for reregistration decisions; (3) reregistration decision process and public involvement; and (4) end-use product reregistration.

Any member of the public not able to attend, but wishing to submit written comments, should contact Lois A. Rossi at the address or the phone number given above. Interested parties may file written statements before the meeting or within 30 days of issuance of the meeting documents and minutes.

All information submitted before or after the meeting will be included in the public docket. The public docket will be available for public inspection in Rm. 244 Bay at the address given below, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Copies of the documents and minutes of the meeting that the Agency will be preparing may be obtained by contacting: By mail: Public Information Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 244 Bay, CM #2, 1921 Jefferson Davis Highway., Arlington, VA., (703)-557-2805.

Registrations must be received no later than September 14, 1990. Because of space limitations, participation is limited, and reservations will be processed on a first-come, first-served basis.

Dated: August 23, 1990.

Linda J. Fisher,

Assistant Administrator, Office of Pesticides and Toxic Substances.

[FR Doc. 90-20397 Filed 8-28-90; 8:45 am]

BILLING CODE 6560-50-F

[OPP-300174A; FRL-3768-7]

Denial of Petition to Revoke Food Additive Regulations for Ethylene Oxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; denial of petition.

SUMMARY: This notice announces the decision to deny a petition requesting that EPA revoke the food additive tolerances in 40 CFR 185.2850 for ethylene oxide (EtO) as a fumigant for controlling microorganisms and insect infestation in ground spices and other processed natural seasoning materials.

DATES: Submission of objections and a request for a hearing by the petitioner must be received on or before September 28, 1990.

ADDRESSES: Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Information supporting this action is available for public inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays in: Information Services Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 240, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Telephone number: (703)-557-2805.

FOR FURTHER INFORMATION CONTACT: By mail: Jill Gallagher, Special Review Branch, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 2L1, WF3, 2805 Jefferson Davis Highway, Arlington, VA 22202, (703)-308-8026.

SUPPLEMENTARY INFORMATION: On December 16, 1987, a notice was published in the **Federal Register** (52 FR 47753) announcing that a petition (the Stein petition) had been filed with EPA to revoke the food additive regulation in 21 CFR 193.200 (redesignated as 40 CFR 185.2850 in the **Federal Register** of June 29, 1988 (53 FR 24666)) for ethylene oxide (EtO). The food additive regulation (also referred to as a food additive tolerance) for EtO is 50 parts per million (ppm) in ground spices and other processed natural seasoning material. In addition, a tolerance of 50 ppm for EtO in the raw agricultural commodities whole spices, black walnut meats, and copra (coconut meat) has been established in 40 CFR 180.151. The petition only addressed the food additive regulation and not the raw agricultural commodity tolerances for EtO. The petitioner asserted that the current use of EtO as a fumigant of food (particularly spices) was unsafe and detrimental to public health. EtO is characterized by EPA as an animal carcinogen and probable human carcinogen. The petitioner contended that, under the directive of the "Delaney Clause" in section 409(c)(3)(A) (21 U.S.C. 348(c)(3)(A)) of the Federal Food, Drug and Cosmetic Act (FFDCA), the food additive tolerance for EtO on ground spices and other processed natural seasoning materials should be revoked.

The **Federal Register** notice announcing the EtO petition to revoke the food additive tolerance requested comments from all affected individuals. Fifteen comments from 12 different organizations and individuals were received. All information was reviewed by EPA and taken into account in reaching the decision set forth in this notice. EPA's response to the substantive comments is presented in Section IV, "Response to Public Comments."

The Delaney Clause of FFDCA, section 409(c)(3), bars the establishment of a food additive regulation in or on processed foods or feed if the pesticide in question has been "found to induce cancer when ingested by man or animal or if it is found after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal." The effect of the Delaney Clause on the regulation of pesticides has been of concern to EPA for some time. In February 1985, EPA commissioned the Board on Agriculture of the National Research Council/National Academy of Sciences (NAS) to evaluate the section 409 issue and its "risk only" basis for establishment of food and feed tolerances and the different standard (consideration of risks and benefits) for establishment of tolerances for raw agricultural commodities (section 408 of FFDCA). The NAS report, entitled "Regulating Pesticides in Food: The Delaney Paradox," was published on May 20, 1987. The report made four recommendations, two of which are particularly pertinent to EPA's analysis of the EtO petition: (1) EPA should regulate all pesticides on the basis of one consistent standard, and (2) a uniform negligible risk standard (rather than the "zero risk" standard) for carcinogens in food be applied consistently.

EPA evaluated the NAS report and, in the **Federal Register** of October 19, 1988 (53 FR 41104), published a comprehensive discussion and rationale for its position regarding rulemaking (tolerance setting) procedures under FFDCA and registration decisions under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Specifically, EPA took the position that the Delaney Clause is subject to a "de minimis" exception for pesticide residues. EPA will apply this exception when sufficient data to determine if a chemical indeed poses a de minimis risk are available for evaluation. In the case of EtO, such data are not available, but EPA believes that the existing data indicate that the risks posed by EtO are likely to be de minimis. For that reason, the decision on whether or not the risk posed by EtO is de minimis is being deferred until such data are available.

Currently, EPA has required pesticide registrants to develop data under FIFRA section 3(c)(2)(B) so that the dietary effects from continued use of EtO on spices can be evaluated. Once these data, required in the Data Call-In Notice of October 10, 1989, are received and reviewed, EPA will complete its assessment of the use of EtO on spices and other natural seasonings and will determine whether retention of the section 409 tolerances is appropriate.

I. Introduction

A. Background

EtO was first used as a fumigant of spices in the 1930's and 1940's. In 1970, with Agency implementation of FIFRA, the use of ethylene oxide as a gaseous sterilant on spices, copra, and black walnuts came under EPA regulations. The initiation of a Special Review (formerly called a Rebuttable Presumption Against Registration) of pesticide products containing ethylene oxide was announced in the **Federal Register** of January 27, 1978 (43 FR 3801). The use of EtO as a sterilant/fumigant at all the registered sites was suspected of causing adverse effects in personnel working with or around sterilization equipment in health care facilities, the medical products industry, port of entry quarantine facilities, spice fumigation facilities, and other sites where EtO is used as a fumigant (beehives, cosmetics, and library or museum books and other artifacts).

The 1978 **Federal Register** notice stated that the EPA had previously concluded that consumption of spices, copra and/or black walnuts that had been fumigated with EtO did not appear to result in exposures of concern. The concerns about worker safety (workers in industrial plants and medical sterilization applications) were addressed in a subsequent series of Occupational Safety and Health Administration (OSHA) standards

limiting exposure levels. EPA accepted these standards but has not yet formally closed its Special Review of EtO. EPA still must address worker exposure in government facilities which are not covered by OSHA.

In December 1987, EPA announced that the Stein petition had been filed to revoke the section 409 tolerances for EtO based on potential carcinogenic effects in humans from consumption of spices treated with EtO. The petition is concerned only with dietary risk and exposure from consuming ethylene oxide-treated spices, or foods containing such spices. This notice addresses and responds to the petition.

B. Data Call-In Notices

In May 1986, EPA issued a Data Call-In (DCI) Notice under FIFRA section 3(c)(2)(B) to registrants of EtO in order to obtain residue data on spices and other food commodities fumigated with EtO. This DCI was part of a label improvement project, and did not stem from specific dietary concerns. Although this DCI initiated investigation into the dietary effects of EtO, it produced little data to satisfy the more extensive needs of the 1987 petition to revoke food additive tolerances.

EPA issued a second DCI on October 10, 1989, to collect dietary and residue information specific to concerns raised by the petition. The data required in this DCI will enable EPA to estimate the risk associated with the consumption of spices treated with EtO. Specifically, EPA has asked for data in the following three areas: (1) Commodity residues (under typical fumigation methods) and metabolism studies, (2) cooking and processing studies, and (3) benefits and use information. All of these data are due to be submitted to EPA by September 1991.

C. Use Information

1. *The spice market and other uses of EtO.* EtO has been used as a commercial fumigant in the spice industry since the late 1930's. EPA estimates that of the total amount of EtO produced annually (approximately 6.5 billion pounds), less than one-tenth of 1 percent (approximately 700,000 pounds) is used to fumigate spices and other natural seasonings.

Most of the spices and herbs consumed in the United States are imported from overseas. The majority of these spices are imported from Indonesia, Brazil, Madagascar, and India. Other less significant suppliers include China, Canada, the Netherlands, and Spain. Sesame seed is the leading imported spice in terms of pounds received, complemented by large quantities of other imported spices such as black pepper, anise seed, caraway seed, cassia (referred to as cinnamon), celery seed, chili peppers, cloves, coriander, cumin, fennel, ginger root, nutmeg, oregano, paprika, pimento, thyme, and turmeric (exact amounts not determined). Most of these spices originate in tropical regions of the world where poor sanitation and warm, humid climates foster the growth of bacteria and fungi. Imported spice products are often contaminated with various bacteria, fungi, and molds. Consequently, these spices are treated with EtO to meet U.S. food processor specifications for low bacterial content and to guarantee the absence of pathogenic (disease-causing) microorganisms.

The American Spice Trade Association (ASTA) estimates that in 1987, 695,00 lbs of EtO were used to fumigate 182 million lbs of spice (Ref. 7). This represents approximately 19 percent of the total annual quantity of imported spices. Exact amounts of individual spices and natural seasonings which are treated with EtO cannot be determined, but data to be submitted in response to the October 1989 DCI should provide EPA with the ability to refine estimates of the volume of treated spices.

Approximately one-half of the domestic eastern black walnut crop grows in wild stands in Missouri, the rest in Kentucky and Tennessee. Of the 1.5 million pounds processed annually, 100 percent is treated with EtO, using 600 pounds of EtO annually.

EPA has been unable to identify current EtO fumigation on the raw agricultural commodity copra. Therefore, it does not appear that EtO is being used on this commodity.

2. *Alternatives to ethylene oxide.* Potential alternative treatment methods for microbial reduction in spices identified by EPA include gamma irradiation, microwave treatment, cleaning and drying the spices, and treatment with propylene oxide or methyl bromide. Comparative efficacy data for EtO and its alternatives are not available; however, treatment with EtO is the preferred method in most instances for control of bacteria and other microorganisms when compared to its alternatives (Ref. 7).

Gamma irradiation is effective in reducing the microbial flora for a wide variety of spcies without affecting spice quality. Its use on spices is approved by the Food and Drug Administration (FDA). Gamma irradiation is considered to be as effective as EtO in controlling microbial contamination. However, many U.S. food processors do not accept irradiated spices because they do not want to risk adverse consumer reaction to their products. Also, EPA estimates that spice treatment with EtO costs between 4 and 6 cents/lb, whereas irradiation can cost between 8 and 23 cents/lb. These costs for irradiation do not include transportation costs which were figured to be as much as 10 cents/lb if the spices must travel the length of the country to reach the irradiation treatment centers; at the time of this appraisal, only one plant, in California, was currently irradiating spices (Ref. 7).

California Proposition 65 has generated interest in conversion from the use of EtO to propylene oxide, where feasible, on processed spices and California black walnuts. Propylene oxide is roughly 10 times less toxic than EtO. However, EPA believes propylene oxide is less effective as a sterilant than EtO because it is less reactive and penetrating than EtO and more difficult to remove by aeration after treatment (Ref. 7).

The remaining microbial reduction treatment methods noted above (i.e., methyl bromide fumigation, microwave treatment, and cleaning and drying the spices) are much less effective sterilants than EtO.

None of the above alternatives is effective for use on eastern black walnuts. Fumigation of these nuts with propylene oxide results in levels of bacteria and microorganisms considered unacceptable by the home baking and ice cream industries which use 90 percent of the eastern black walnuts that are grown.

3. *Economic impacts of tolerance revocation.* If the tolerance for EtO were revoked, EPA estimates that the impact on the spice industry, food producers, and consumers would be approximately $90 to $100 million in the first year. The major components of these losses include: (1) the cost to food processors and retailers from loss of inventory, recall efforts, and loss of market share and consumer confidence due to food spoilage by microbial contamination of spices ($60 million); (2) the additional costs of irradiation treatment ($8 million) and an accompanying consumer education/promotional campaign to enhance acceptance of irradiated spices and foods including treated spices ($20 to $30 million); and (3) the additional cost increases of sterilization chamber modifications for propylene oxide use ($0.2 million).

II. Assessment of Risk

A. Introduction

While inhalation and dietary ingestion are the primary routes of exposure to EtO, ingestion is more critical in evaluating the attendant health risks from food additives. For some cases, EPA has extrapolated findings from inhalation studies to estimate risks from ingestion where EPA lacked dietary data and the chemical inhaled was identical or similar to the compound ingested. For a gas such as EtO, the likely ingested compounds may include reaction products resulting from the fumigation process. To establish a more definitive understanding of the risks from dietary exposure to EtO and EtO reaction products specifically, EPA issued a DCI on October 10, 1989.

Until those data are available for incorporation into a risk assessment, EPA must rely on the findings of past inhalation and dietary studies. These studies are assessed below.

B. Effects of Concern

1. *Carcinogenicity.* In 1985, the Agency published the Final Report of the Health Assessment Document for Ethylene Oxide (USEPA, EPA/600/8-84/009F, June 1985). This document summarized the carcinogenic effects of EtO based on studies of animal and human exposure to gaseous EtO.

a. *Animal studies.* In an unpublished inhalation study performed by Snellings et al. (Ref. 10), Fischer 344 rats were exposed to EtO vapor for 2 years. Statistically significant increases in the number of tumors including subcutaneous fibromas, peritoneal mesotheliomas, pancreatic adenomas, brain neoplasms, pituitary adenomas, and leukemia were reported in the high dose group only. In another chronic inhalation study, Lynch et al. (Ref. 9) of the National Institute for Occupational Safety and Health (NIOSH) reported that exposure to EtO significantly increased the incidence of testicular peritoneal mesotheliomas and brain gliomas in the high dose groups of Fischer 344 rats. In addition, positive results for the carcinogenicity of EtO were obtained by subcutaneous injection in mice in a study by Dunkelberg in 1979 (Ref. 4). Exposure of these mice to EtO significantly increased the incidence of spontaneous subcutaneous tumors at the injection site.

Currently, EPA has only limited data available with which to evaluate the potential dietary carcinogenicity of EtO. There are two dietary studies available to EPA. While both studies have flaws, and neither is definitive, they appear to indicate a lack of carcinogenic potential of EtO by the dietary route of exposure.

First, in 1982 Dunkelberg reported a published gavage study in which EtO was dissolved in oil (Ref. 3). The study noted that EtO induced squamous cell carcinomas of the forestomach of Sprague-Dawley rats, essentially the site of EtO administration. No statistically significant tumors were observed at any other site. The appearance of only the forestomach tumors has led EPA to conclude that cell injury resulting from administration of the EtO test material may be responsible for initiation of the forestomach tumors (Ref. 6). This method of testing may not lead to a true characterization of the potential carcinogenicity of EtO by dietary exposure.

The second study testing the carcinogenicity of EtO by the dietary route was reported by Bar and Griepentrog in 1969 (Ref. 1). This study is currently the only one available to EPA which evaluates the effects of ingesting food fumigated with EtO. Fifty male and female rats were fed EtO-fumigated feed over 2 years. After pathological examinations, no evidence of excess tumors was found. While EPA believes that this study may be indicative of a lack of carcinogenic potential following consumption of EtO-treated spices, it is unable to review the study in detail. Due to the age of the study, the raw data are unavailable. Therefore, while this study lends support to the conclusion that EtO is not carcinogenic through the dietary route, it is considered to be inadequate to determine the carcinogenic potential of EtO by the dietary route.

b. *Human studies.* There are numerous epidemiology studies that have been performed on EtO. However, there are no epidemiologic reports on the effects of consuming EtO-treated foods. The following three epidemiology studies of persons occupationally exposed to EtO through the inhalation route demonstrated an association between EtO exposure and increased cancer incidence or mortality and were used by EPA as well as the International Agency for Research on Cancer (IARC) to categorize the carcinogenic potential of EtO. A study by Hogstedt et al. (Ref. 11) found significantly increased mortality from stomach cancer and leukemia, as well as significantly increased incidence of cancer of all sites and of leukemia among ethylene oxide production workers. The same results also were found by Hogstedt (Ref. 11) in another study among workers exposed to EtO as a sterilant. A study by Morgan et al. (Ref. 11) found statistically significant increases in mortality from pancreatic cancer and Hodgkin's disease. However, none of these studies is based on well established exposure data. In many cases it was not established that EtO was the only carcinogenic chemical to which many of the workers were exposed. Based on these epidemiology studies and the animal studies, EPA used a weight-of-evidence approach and classified EtO in Group B_1: Probable human carcinogen (Ref. 11). The B classification is used for the group of agents for which the weight of evidence of human carcinogenicity based on epidemiologic studies is "limited" or "inadequate" and the animal evidence is "sufficient." Group B_1 is reserved for agents for which there is "limited" epidemiologic evidence, and Group B_2 is used where the epidemiologic evidence is "inadequate" or where "no data" exist. Although EPA concluded that the B_1 classification for EtO was appropriate, it also stated that the weight of evidence was close to a B_2 classification because of certain limitations in the human evidence.

Usually a weight-of-evidence determination is made without regard to route of exposure. In this case, the B_1 classification of EtO may be appropriate only for the inhalation route of exposure and not for characterizing carcinogenic potential for the dietary route (e.g., as a residue on spices). Data from the October 1989 DCI should enable EPA to understand which residues occur from EtO fumigation and, consequently, whether the two routes of exposure need to be characterized differently.

2. *Residue reaction products.* EtO is a gas, applied inside a treatment chamber; theoretically, it should dissipate completely from treated products during post-fumigation aeration and/or handling. However, a number of chemicals which tentatively have been identified as EtO residues ("reaction products") have been reported in a variety of commodities treated with EtO. It appears that EtO reaction products differ widely from spice to spice and among different samples of the same commodity. Preliminary information indicates that the concentrations of these reaction products are not directly related to the amount of EtO remaining in the commodity (Ref. 2, Ref. 5). These same chemicals, however, also have been found at detectable levels in untreated commodities and therefore may be naturally occurring in foods (Ref. 2, Ref. 5). To date, ethylene glycol (EG) is the only chemical which EPA has confirmed as a reaction product of EtO. Data anticipated from the October 1989 DCI are expected to more accurately characterize which of these chemicals

are actually reaction products of EtO and the levels of reaction products(s) of EtO which remain on spices.

Review of available toxicological information on ethylene glycol and the other tentatively identified reaction products has revealed that none of the chemicals shows significant toxicity. Most importantly for the present petition, no information was discovered indicating that these chemicals are carcinogenic.

C. Exposure Information

1. *Dietary exposure.* The tolerance limitations for EtO are set only for EtO residues that remain after treatment. They do not include other residues which persist after the food commodity has been aerated and EtO gas has been removed. In enforcing the tolerances, however, all residues, including reaction products, are considered in determining whether the tolerance is exceeded. Consequently, no single product noted above could allowably exceed the 50-ppm tolerance level for EtO in food.

Dietary exposure estimates currently available to EPA are based on: (1) Information generated by Griffith Labs and submitted between 1956 and 1971, (2) data compiled by the Flavor and Extract Manufacturers Association in 1978, (3) use information provided by ASTA in 1978, (4) residue data provided by the McCormick Co. in 1985, and (5) residue data received for the first DCI, issued May 5, 1986.

EPA concludes that the data are limited and do not yield a clear picture of the nature and extent of exposure to EtO in the diet. For example, it is unclear if the treatment rate used in the McCormick study (56 lbs EtO/1248 ft^3) is equivalent to the registered rate of 0.21 lbs EtO/100 lbs spice (Ref. 2). It is also unclear from the study whether the maximum holding period following fumigation and aeration should be 2 or 7 days. The data do not characterize the nature, level, and frequency of the EtO reaction products. Finally, information on the interval between fumigation of spices and their consumption by humans (the rate of decline of EtO residues from treatment through food processing to actual human consumption) is unknown. All of these factors would affect the levels of residue consumed by the public (Ref. 2). Until these questions are answered, EPA cannot complete an accurate estimate of the EtO dietary exposure to the public. The DCI issued October 1989 requires a complete residue and degradation profile that will be used to determine actual reaction products.

2. *Effect of cooking and processing on EtO and metabolites.* Currently, there is no information available to EPA on the effect of cooking and processing on EtO residues. Literature reports cited in the May 5, 1986, DCI response showed reduction of ECH residues in the range of 25 to 50 percent in canned soup and curry sauce through cooking/autoclave (246° F for an unspecified number of hours) and reduction of ECH and EB residues of approximately 20 to 80 percent through baking (cakes) and steaming (sponge pudding) processes. Due to the limited data currently available, EPA is requiring further information about the effects of processing and cooking on residue levels of EtO and its degradation products.

While existing data show that there is a decline in the residue with cooking and processing, a determination of the rate and extent of decline is not possible at this time. Information to be received in response to the DCI of October 1989 will provide data for a determination of the rate of decline, if any.

III. Response to Public Comments

A. Summary of Comments

Fifteen comments were received from the public in response to the petition to revoke EtO tolerances on spices. Eleven of the 15 responses opposed the petition. These included responses from ASTA, the EtO Industry Council, Union Carbide, ARC Chemical Division of Balchem Corp., Grocery Manufacturers Association of America (GMA), Rogers Foods, Hammons Products Co., and the American Dehydrated Onion and Garlic Association. One response, from Radiation Sterilizers Incorporated (RSI), was in support of the petition. The other responses, which included a bibliography of sources compiled by the USDA and supplemental information from the petitioner, were informational.

Comments in opposition to the petition stressed the established record of safe and effective EtO use as well as the low dieteray intake of spices. Commenters also cited the current reduced levels of EtO usage per pound of spices fumigated and expressed the opinion that removal of EtO spice tolerances would have a detrimental effect on the stability and safety of spice-containing food products, due to the widespread contamination of imported spices. Lack of viable and safe alternatives was also cited as a reason for opposing the revocation petition. It was questioned whether exchanging irradiation for EtO is a benefit to public health and safety. Among the concerns stated for the public's safety were: danger from transportation of radioactive materials, long-term effects of radiation, lack of irradiation capacity, higher costs of irradiation treatment, lack of public acceptance, and irradiations's ineffectiveness against many harmful human pathogens.

The comment by RSI in support of the petition disagreed that public safety would be compromised by the use of irradiation, specifying that spices could be treated safely by irradiation with ample capacity available. RSI also stated that irradiation was only 2 times as expensive as fumigation.

B. Comments Relating to Toxicological Issues

Public comment: The EtO Industry Council, ASTA, Union Carbide, GMA, and Hammons Products all commented on the inappropriateness of using an inhalation study to assess dietary risk.

Agency response: EPA deems the use of inhalation data to be appropriate; however, data obtained through feeding studies would yield a more pertinent estimate of dietary risk. However, EPA currently lacks adequate feeding data. Given the negative response in the limited dietary studies, it is likely the inhalation data represent a worst-case response for dietary exposure.

Public comment: The EtO Industry Council, ASTA, Union Carbide, and GMA noted that the Dunkelberg study of 1969 is flawed, and therefore inappropriate to use in risk assessment.

Agency response: EPA has commented on the deficiencies of the Dunkelberg study in section II(B) of this notice, "Assessment of Risk, Effects of Concern."

C. Comments Relating to Use

Public comment: According to ARC Chemical Division of Balchem Corp., ASTA, and Union Carbide, EtO use on food is not growing rapidly, as alleged in the petition. EtO use is limited to spices, black walnuts, and copra. While the number of pounds of spice treated has increased, the amount of EtO used per treated pound of spice has declined from 0.01 lb EtO per lb spice treated in 1978, to 0.004 lb EtO per lb spice treated in 1987. This drop translates into 660,000 lb of EtO used on 99 million lb of spice in 1978, and 695,000 lb of EtO used on 182 million lb of spices in 1987. ASTA also reported that there is an industry shift from small operations to larger, more centralized and efficient EtO facilities and that 10 sterilization facilities have been removed from service.

Agency response: EPA took this information into account when estimating the usage of EtO.

Public comment: Union Carbide submitted comments on behalf of

Hammons Products Co. relating to Hammons' use of EtO. Union Carbide stated that Hammons is the only company currently fumigating black walnut meats. Hammons uses the 10-percent EtO, 90-percent CO_2 mixture at the end of the nut processing to destroy pathogens without affecting their organoleptic qualities (compounds which stimulate the senses of taste and odor) by roasting or heating. Hammons considered propylene oxide and irradiation as alternatives and determined that they were unacceptable. Propylene oxide was considered to be unacceptable from an efficacy viewpoint (time, temperature, and microbial reduction), and irradiation resulted in rancid nutmeats. Hammons contends that the loss of use of EtO on black walnuts could destroy the American black walnut industry.

Agency response: No data were submitted to support these claims.

Public comment: Union Carbide contended that there is no evidence that copra is currently fumigated with EtO.

Agency response: EPA took this information into account in estimating EtO use.

Public comment: ARC Chemical Division of Balchem Corp. contended that propylene oxide is 1/6 as effective and more difficult to remove than EtO. ASTA contends that propylene oxide is 1/2 as effective as EtO and that propylene oxide treatment can affect color and essential oils on spices. ASTA also states that while propylene oxide is not approved for use on raw spices, it is a viable alternative for some nutmeats, processed spices, and cocoa when they are not severely contaminated.

Agency response: These commenters did not support their claims with any data. Therefore, EPA utilized the available information regarding the comparative efficacy of EtO and propylene oxide from open literature sources.

Public comment: Two food companies, Calavo Growers and Rogers Foods Chili Products, use EtO-treated spices to prevent their products from being spoiled by harmful bacteria, including *Salmonella*, *E. coli*, and *Staphylococcus*, and food spoilage organisms which may reduce product shelf-life. They contended that many of their consumers would refuse to accept an irradiated product.

Agency response: EPA notes that imported spices are required to pass FDA inspections. Many are rejected due to gross contamination [Ref. 12]. For example, black pepper is "blocklisted" by FDA's Automatic Detention Provision (i.e., importers must show that it is *Salmonella*-free). FDA will not inspect the shipment until such documentation is obtained (Ref. 12). Approximately 90 percent of imported pepper is treated with EtO. Loss of EtO treatment could lead to the introduction of contaminated spices into the food supply. Spices contaminated with organisms such as *Clostridium perfringes*, *Bacillus cereus*, and *Salmonella* have been linked to cases of food spoilage and food poisoning (Ref. 8).

Public comment: RSI contended that there are adequate facilities to irradiate 100 million lbs/year of spices and dry vegetable seasonings, with construction of additional facilities requiring 1 year. RSI claims irradiation is routinely practiced, is FDA approved, is more effective than EtO in reducing bacterial plate counts, and is less likely to damage organoleptic qualities of processed products.

Agency response: EPA notes that FDA has approved spice irradiation. Radiation and EtO are considered to be equally effective treatment methods for microbial reduction in spices. At this time, EPA's information about capacity for irradiating spices indicates that there is inadequate capacity for spice irradiation (Ref. 7).

Public comment: RSI contends that several spice companies currently use irradiation.

Agency response: In a recent ASTA member survey, no members reported using irradiation to treat spices. Other sources have indicated that less than 1 percent of domestic and imported spices are irradiated yearly (Ref. 7).

Public comment: RSI contends that the cost of treating spices with EtO and gamma irradiation are similar.

Agency response: No specific supporting evidence was submitted; therefore, EPA cannot verify this statement. Agency information indicates that the cost of gamma irradiation is 2 to 4 times greater than for EtO (see section I.C.2.--Alternatives to Ethylene Oxide).

Public comment: Union Carbide contended that gamma irradiation has previously damaged materials that can be fumigated with EtO.

Agency response: No specific supporting evidence was submitted; therefore, the Agency cannot draw a conclusion relating to this claim.

Public comment: ARC Chemical Division of Balchem Corp. submitted a published article on the resistance of the *Clostridium botulinum* spore to gamma irradiation. ARC claims that EtO destroys *Cl. botulinum*.

Agency response: Based on a search of the open literature, EPA has determined that *Cl. botulinum* is not a factor in processed food spoilage relating to contaminated spices.

Public comment: ASTA and Rogers Foods questioned whether current irradiation facilities designed to sterilize medical equipment are appropriate to handle raw food.

Agency response: Preliminary information indicates not only a current lack of capacity to handle raw food, but a general unwillingness by medical equipment sterilizers to handle for sterilization raw untreated spices (Ref. 7).

IV. Regulatory Decision

EPA believes that the current residues data base is insufficient to estimate the risk from consumption of EtO in spices, and therefore, revocation of the food additive tolerance is not warranted at this time. The risk assessment for EtO-treated spices should be based on residue levels of EtO and its reaction products in spices as close to the time of consumption as possible. The extent of EtO dissipation between fumigation of spices and use of the spices by consumers is likely to yield residue levels considerably lower, if present at all, than those which can be calculated from currently available data. EPA expects that the studies required by the October 1989 DCI may show that most, if not all, EtO residues will be composed of breakdown products for which there are no toxicological concerns. Finally, given the low toxicity observed in available dietary studies of EtO, the inhalation data probably overstate the risk due to dietary exposure. On the basis of this information, EPA believes that the residue data to be submitted will indicate that the use of EtO in spices poses a de minimis risk under EPA's section 409 policy.

EPA does not believe that EtO tolerance revocation is appropriate at this time because EPA does not now have data to accurately characterize the carcinogenic risks of its continued use. In the meantime, EPA has evaluated the EtO data base and in October 1989, issued a DCI to companies with registered products containing EtO. These required residue, metabolism, and degradation studies will be used to determine the risks associated with the use of EtO as a fumigant for spices and seasonings. All data are due to be submitted to EPA by September 1991. After the data are reviewed, EPA will determine whether further studies are needed and, if necessary, develop a risk assessment for EtO to determine whether regulatory action is appropriate for the section 409 tolerance.

V. Procedural Matters

Pursuant to section 409(f)(1) (21 U.S.C. 348(f)(1)), any party adversely affected by the denial of a petition may, within 30 days of publication of the denial, file objections with EPA, specifying with particularity the provisions of the denial deemed objectionable, stating reasonable grounds therefor, and request a public hearing on such objections. The Administrator will by order rule on the objections and the requests for hearing. An adversely affected party who submits objections which are purely legal or of a policy nature need not request a hearing; if the objections are of a purely legal or policy nature, a hearing request would be inappropriate. As a matter of discretion, the Administrator may order a hearing on an objection even though no person has requested a hearing.

A request for an evidentiary hearing will be granted if the Administrator determines that the following criteria are met:

1. There is a genuine and substantial issue of fact for resolution at a hearing;

2. There is a reasonable possibility that available evidence identified by the hearing requestor would, if established, resolve one or more of the issues in favor of such requestor, taking into account uncontested evidence to the contrary; and

3. The factual issues would be determinative with respect to the action requested.

The Administrator may take preliminary rulings on any issues raised by an objection which are necessary for resolution prior to determining whether a request for an evidentiary hearing would be granted. As the Court of Appeals recently held in *Nader* v. *U.S. EPA*, 859 F.2d 747, 751 (9th Cir. 1988), filing an objection with the Administrator and/or seeking an Agency hearing is a prerequisite to judicial review in the Court of Appeals of EPA's denial of a petition to revoke section 409 tolerances. Even if the issues for resolution are of a purely legal or policy nature, the Administrator must first by order published in the **Federal Register** deny the objections before EPA's decision is ripe for judicial review.

To be considered by the Administrator, an objection must:

1. Be in writing.

2. Specify with particularity the provision(s) of the denial objected to, the basis for the objection(s), and the relief sought.

3. Be signed by the person bringing the objection.

4. State the objector's name and mailing address.

5. Be submitted to the Hearing Clerk.

6. Be received by the Hearing Clerk not later than the close of business of the 30th day following the date of publication of this denial in the **Federal Register** (if the 30th day is a Saturday, Sunday, or Federal holiday, not later than the close of business of the next government business day after such 30th day).

Mailed submissions should be addressed to: Office of the Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

For personal delivery, the Office of the Hearing Clerk is located at: Rm. M 3708, Waterside Mall, 401 M St., SW., Washington, DC.

To be considered by the Administrator, a request for an evidentiary hearing must:

1. Be submitted as a part of, and specifically request an evidentiary hearing on, an objection that complies with the above requirements, including filing within the 30-day period;

2. Include a statement of the factual issue(s) on which a hearing is requested and the requestor's contentions on each such issue;

3. Include a copy of any report, article, survey, or other written document (or the pertinent pages thereof) upon which the objector relies to justify an evidentiary hearing, unless the document is an EPA document that is routinely available to any member of the public; and

4. Include a summary of any evidence not described in a written document as provided in item 3 above upon which the objector relies to justify an evidentiary hearing.

VI. References

1. Bar, F. and F. Griepentrog. (1969) Langzeitfutterungsversuch an Ratten mit Athylenoxidbegastem futter. *Bundesgesundeitsblatt.*
2. Cheng, Leung. (1988) Ethylene Oxide. Dietary Exposure Assessment. USEPA, OPP, HED, November 16, 1988.
3. Dunkelberg, H. (1982) Carcinogenicity of ethyene oxide and 1,2-propylenenoxide upon intragastric administration to rats. *British Journal of Cancer.* 46: 924-933.
4. Dunkelberg, H. (1979) On the oncogenic activity of ethylene oxide and propylene oxide in mice. *British Journal of Cancer.* 39(4): 588-589.
5. Gross, Stanley. (1987) Ethylene Oxide (EtO) Fumigant. Residue Chemistry Deferral on Characterization of Residues. USEPA, OPP, HED, August 11, 1987.
6. Gross, Stanley. (1989) EtO. Summary of Human and Animal Cancer Studies. USEPA, OPP, HED, July 13, 1989.
7. Hopkins, Yvette and Myra Smith. (1989) Updated Benefits Assessment of EtO Use on Spices, Black Walnuts and Copra. USEPA, OPP, BEAD, January 5, 1989.
8. Julseth, R. and R.H. Diebel. (1974) Microbial profile of selected spices and herbs at import. *Journal of Milk Food Technology.* 37: 414-419.
9. Lynch, D. et al. (1982) Carcinogenic and toxicological effects of inhaled ethylene oxide and propylene oxide in F344 rats. NIOSH. Unpublished draft.
10. Snellings, W.M., et al. (1981) Final report. ethylene oxide two year inhalation study. Bushy Run Research Center, Pittsburgh, PA.
11. United States Environmental Protection Agency (USEPA). (1985) Health Assessment Document for Ethylene Oxide, Final Report. OHEA. June 1985.
12. United States International Trade Commission (USITC). (1984) Summary of Trade and Tariff Information. USITC Publication 841.

Dated: August 13, 1990.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 90-20216; Filed 8-28-90; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50704; FRL-3770-5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

279-EUP-117. Extension. FMC Corporation, Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 850 pounds of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxadinone on 850 acres of cotton to evaluate the control of annual

grasses and broadleaf weeds. The program is authorized only in the States of Alabama, Arkansas, Georgia, Louisiana, Michigan, Missouri, North Carolina, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 13, 1990 to June 13, 1991. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM #2, (703–557–1800))

279–EUP–118. Extension. FMC Corporation, Agricultural Chemical Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 425 pounds of the herbicide 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxadinone on 850 acres of field corn to evaluate the control of annual grasses and broadleaf weeds. The program is authorized only in the States of Colorado, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, South Dakota, and Tennessee. The experimental use permit is effective from June 13, 1990 to June 13, 1991. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, Rm. 245, CM #2, (703–557–1800))

63098–EUP–1. Issuance. Mitsui Petrochemicals (America), Ltd., 250 Park Ave., Suite 950, New York, NY 10177. This experimental use permit allows the use of 167.25 pounds of the herbicide 1-methoxy-1-methyl-3-[4-(3,4-dihydro-2-methoxy-2,4,4-trimethyl-7-benzopyranyloxy)phenyl]urea on 250 acres of corn to evaluate the control of various broadleaf weeds. The program is authorized only in the States of California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin. The experimental use permit is effective from June 14, 1990 to June 14, 1991. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Joanne Miller, PM 23, Rm. 237, CM #2, (703–557–1830))

45639–EUP–39. Extension. Nor-Am Chemical Company, 3509 Silverside Road, P.O. Box 7495, Wilmington, DE 19803. This experimental use permit allows the use of 4,570 pounds of the insecticide/miticide amitraz on 4, 570 acres of cotton to evaluate the control of cotton bollworms, pink bollworms, tobacco budworms, mites, and other insect pests. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 1, 1990 to June 1, 1991. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. (Dennis Edwards, Jr., PM 12, Rm. 202, CM #2, (703–557–2386))

11312–EUP–37. Issuance. U. S. Department of Agriculture, Boll Weevil Research Unit, Agricultural Research Service, P.O. Box 5367, Mississippi State, MS 39762. This experimental use permit allows the use of 11.37 pounds of the insecticide cyano (4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate and 0.59 pound of the pheromes (IR-Z)-1-methyl-2-(1-methylethenyl)cyclobutane ethanol, (Z)-2-(3,3-dimethylcyclohexylidene)ethanol, (Z)-(3,3-dimethylcyclohexylidene)acetaldehyde, and (E)-(3,3-dimethylcyclohexylidene)acetaldehyde on 1,500 acres of cotton to evaluate the control of the boll weevil. The program is authorized only in the State of Mississippi. The experimental use permit is effective from May 15, 1990 to May 15, 1991. A permanent tolerance for residues of cyano (4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate in or on cottonseed has been established (40 CFR 180.436). An exemption from the requirement of a tolerance for residues of the pheromones (IR-Z)-1-methyl-2-(1-methylethenyl)cyclobutane ethanol, (Z)-2-(3,3-dimethylcyclohexylidene)ethanol, (Z)-(3,3-dimethylcyclohexylidene)acetaldehyde, and (E)-(3,3-dimethylcyclohexylidene)acetaldehyde when applied to cotton has been established (40 CFR 180.1080). (Phil Hutton, PM 17, Rm. 207, CM #2, (703–557–2690))

612–EUP–5. Issuance. Union Oil Company of California, Unocal Chemicals Division, 1201 W. 5th St., Los Angeles, CA 90017. This experimental use permit allows the use of 51,612 pounds of the herbicide monocarbamide dihydrogensulfate on 500 acres of soybeans (pre-emergent) to evaluate the control of several weed species. The program is authorized only in the State of Virginia. The experimental use permit is effective from June 21, 1990 to November 21, 1990. An exemption from the requirement of a tolerance for residues of the active ingredient in or on soybeans has been established (40 CFR 180.1084). (Robert Taylor, PM 25, Rm. 245, CM #2, (703–557–1800))

Persons wishing to review these experimental use permits should contact the designated product managers. Inquires concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

Dated: July 19, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90–20384 Filed 8–28–90; 8:45 am]

BILLING CODE 6560–50–F

[OPP–50707; FRL–3795–4]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Genetically Modified Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from Sandoz Crop Protection Corp. a notification of intent to conduct small-scale field testing of *Sclerotinia sclerotiorum* on turf grasses in the States of Ohio, Pennsylvania, Maryland, and Delaware.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8

a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan T. Lewis, Product Manager (PM-21), Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from Sandoz Crop Protection Corp. of Des Plaines, IL. The purpose of the proposed testing is to evaluate the efficacy of three isolates of *Sclerotinia sclerotiorum* as a mycoherbicide on turf grass for the control of common broadleaf weeds. One of the isolates is an unaltered wild type; the other two are chemical and UV-induced deletion mutants. The same isolates and use pattern were the subjects of a previous notification submitted by Montana State University and announced in the **Federal Register** of June 21, 1989 (54 FR 26084). In response to that Notification, small-scale testing of the fungi in Montana was approved by EPA without the requirement for an experimental use permit. The currently proposed field tests would be conducted in the States of Ohio, Pennsylvania, Maryland, and Delaware. The total area of the proposed test sites would be less than 10 acres.

Dated: August 8, 1990.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-20396 Filed 8-28-90; 8:45 am]

BILLING CODE 6560-50-F

[OPP-50708; FRL-3795-5]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Nonindigenous Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from the Department of Plant Pathology and Microbiology, Texas A&M University, a notification of intent to conduct small-scale field testing on corn in Texas of a strain of *Phlyctochytrium gaertneriomyces* isolated from soil in Israel.

DATES: Comments must be received on or before September 12, 1990.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan T. Lewis, Product Manager (PM-21), Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from the Department of Plant Pathology and Microbiology, Texas A&M University in College Station, Texas. The purpose of the proposed testing is to evaluate the efficacy of a nonindegenous strain of *Phylctochytrium gaertneriomyces* for the control of downy mildew on corn. The proposed field tests would be conducted at University Agricultural Experiment Station in Corpus Christi and College Station, Texas. The total area of the proposed test sites is less than 1 acre.

Dated: August 10, 1990.

Stephanie R. Irene,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-20395 Filed 8-28-90; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

OMB Approval of New Information Collection Requirements for Forms FCC 301 and FCC 340

June 26, 1989.

The *Report and order in MM No. Docket 87-121* (Amendment of part 73 of the Commission's Rules of Permit Short-Spaced FM Station Assignments by using Directional Antennas), 4 FCC Rcd 1681 (1989), and the *Report and Order in MM Docket No. 88-328* (Revision of Application for Construction permit for Commercial Broadcast Station), 4 FCC Rcd 3853 (1989), adopted rule changes which require the collection of additional information in FCC Forms 301 and 340. Implementation of these rule changes was conditioned upon OMB approval of modification to FCC Forms 301 and 340 reflecting the new information collection requirements. Effective today, June 26, 1989, OMB has approved the necessary changes to FCC Forms 301 and 340. Accordingly, the rule changes adopted in MM Docket No. 87-121 and MM Docket No. 88-328 are effective as of this date. Applicants filing applications on or after the effective date of these rule changes but before the revised FCC Forms 301 and 340 are available must supplement their applications to provide the new information required. A public notice will be issued when the new forms are available.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 90-20334 Filed 8-28-90; 8:45 am]

BILLING CODE 6712-01-M

[General Docket No. 82-243; DA 90-1123]

Revised Filing Window for Point-to-Point Channels in the 900 MHz Government/Non-Government Fixed Service

August 23, 1990.

In a Public Notice released June 4, 1990, the Office of Engineering and Technology (OET) announced a filing window for Government/Non-Government Fixed Service channels in the 932-935/941-944 MHz bands.[1]

[1] See Public Notice, 5 FCC Rcd 3547 (Chief Engineer 1990).

However, on June 22, 1990, prior to the opening of the filing window, a "Petition for Stay of Filing Window" (Stay Petition) and a "Petition for Reconsideration or Clarification of Application Filing Procedures" (Reconsideration Petition) were received from the Utilities Telecommunications Council (UTC). On July 2, 1990, OET granted the Stay Petition.[2] Since UTC's Reconsideration Petition is applicable only to the point-to-multipoint channels in the 932–932.5/941–941/5 MHz bands, no purpose would be served by delaying the filing window for the point-to-point channels in the 932.5–935/941.5–944 MHz bands until the Commission resolves the issues raised in the Reconsideration Petition. Accordingly, this public notice establishes a new filing window for applications for the point-to-point channels. A public notice establishing a new filing window for applications for the point-to-multipoint channels will be released upon Commission resolution of the issues raised in the Reconsideration Petition.

A list of available 900 MHz point-to-point channels is attached as appendix A to this public notice. The public notice summarizes the application filing process for the channels and establishes the initial application filing period. Subject to the requirements set forth below, applications for the point-to-point channels must be filed during the one-week period beginning October 1, 1990, and ending October 5, 1990. Except as indicated below, applications received at the official filing locations listed below before October 1 or after October 5 will be dismissed as untimely filed.

The Commission will utilize the facilities of its Treasury Department lockbox bank to process all filings requiring a fee. The specific filing requirements for Non-Government applications will vary depending upon the nature of the facilities requested, as described below. Government applications will be filed with the National Telecommunications and Information Administration (NTIA).

Applications Requiring a Fee

Common Carrier Bureau applications must be filed on FCC Form 494 and must comply with all pertinent standards of part 21 of the Commission's Rules. Each individual application must be accompanied by FCC Form 155 with Fee Type Code CZZ designated in the appropriate column and a check made payable to the Federal Communications Commission in the amount of $155. Each individual application must be in a sealed, manila envelope with the following description on its face: Federal Communications Commission, 900 MHz Point-to-Point Channels Filing Window, Common Carrier Bureau, P.O. Box 358989, Pittsburgh, PA 15251–5989.

Private Radio Bureau applications must be filed on FCC Form 402 and must comply with all pertinent standards of parts 1 and 94 of the Commission's Rules. Each individual application must be accompanied by FCC Form 155 with Fee Type Code PZZ designated in the appropriate column and a check made payable to the Federal Communications Commission in the amount of $155. Each individual application must be in a sealed, manila envelope with the following description on its face: Federal Communications Commission, 900 MHz Point-to-Point Channels Filing Window, Private Radio Bureau, P.O. Box 358994, Pittsburgh, PA 15251–5994.

Applications may be delivered to Mellon Bank in one of two ways, either walked in or mailed in.

Walk-Ins

Items may be hand-delivered to Three Mellon Bank Center, 525 William Penn Way, Pittsburgh, PA. 15259 anytime between 12:01 a.m. Monday, October 1, 1990 and 11:59 p.m. Friday, October 5, 1990.

The "deliverer" should proceed directly to the guard station, located in the lobby of Three Mellon Bank Center, and identify himself (herself) as having applications for the 900 MHz Point-to-Point Channels Filing Window. The guard will then direct the person to the 27th floor of Three Mellon Bank Center. At no time should the window filing applications be left at the guard station.

Once the person has arrived at the 27th floor, he (she) should proceed to the telephone located near the security doors and dial ext. 4–5494. The person should state that they have applications pertaining to the window filing. At this time, someone will greet the person and receive the window filing applications. If a copy is proffered for stamping, one receipt only will be date stamped per application and returned. Absent any specific instructions to the contrary, the first page of the proffered copy will be date stamped.

Mail-Ins

Filings may be mailed to one of the two lockboxes listed below. These items must be received between, Monday, October 1, 1990 and Friday, October 5, 1990.

For Common Carrier Bureau applications, mail to: Federal Communications Commission, 900 MHz Point-to-Point Channels Filing Window, Common Carrier Bureau, P.O. Box 358989, Pittsburgh, PA 15251–5989.

For Private Radio Bureau applications, mail to: Federal Communications Commission, 900 MHz Point-to-Point Channels Filing Window, Private Radio Bureau, P.O. Box 358994, Pittsburgh, PA 15251–5994.

Any questions regarding filing fees should be directed to: Fees Hotline, (202) 632–FEES.

Applications Not Requiring a Fee

Common Carrier Bureau applications not requiring a fee (See § 1.1112 of the Commission's Rules) must be filed on FCC Form 494 and must comply with all pertinent standards of part 21 of the Commission's Rules. Each individual application must be in a sealed, manila envelope with the following description on its face: Federal Communications Commission, 900 MHz Point-to-Point Channels Filing Window, Common Carrier Bureau, Washington, DC 20554.

Applications that are mailed must be received at the above address between Monday, October 1, 1990 and Friday, October 5, 1990. Applications that are hand-delivered must be brought to the Federal Communications Commission, 1919 M Street, NW., Office of the Secretary, room 222, Washington, DC 20554 between 8 a.m., Monday, October 1, 1990 and 5:30 p.m., Friday, October 5, 1990.

Private Radio Bureau applications not requiring a fee (See § 1.1112 of the Commission's Rules) must be filed on FCC Form 402 and must comply with all pertinent standards of parts 1 and 94 of the Commission's Rules. Each individual application must be in a sealed, manila envelope with the following description on its face: Federal Communications Commission, 900 MHz Point-to-Point Channels Filing Window, Private Radio Bureau, Gettysburg, PA 17326.

Applications that are mailed must be received at the above address between Monday, October 1, 1990 and Friday, October 5, 1990. Applications that are hand-delivered must be brought to the Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17326 between 8 a.m., Monday, October 1, 1990 and 4:30 p.m., Friday, October 5, 1990.

All Applications

Remember

Each individual complete application must be in an individual envelope marked as indicated above. Multiple applications, properly packaged, may be

[2] See Order, 5 FCC Rcd 4042 (Chief Engineer 1990).

delivered in one larger, properly addressed container.

The changes to the filing instructions incorporated in this public notice—namely, the fee type codes and post office box numbers for those applications requiring a fee—are in effect only for the time period and the purpose stated herein. These changed procedures override any other procedures that may be set forth in the Commission's Rules. Failure to observe these instructions will result in dismissal of the application(s).

Applicants for the channels list in appendix A must specify their intended frequencies of operation. Applications for one-way, single channel use will be considered only if accompanied by a showing that unpaired spectrum is not available in other bands and that single channel use of the 932.5–935/941.5–944 MHz bands will not impair spectrum efficiency. Applicants who request a channel that may affect grandfathered broadcast auxiliary stations at 942–944 MHz must also submit evidence that frequency coordination has been performed in accordance with § 21.100(d) of the Commission's Rules with all potentially affected users. The grandfathered broadcast auxiliary stations may modify their facilities provided that they submit evidence of frequency coordination in accordance with § 21.100(d) of the Commission's Rules and provided that they do not preclude the use of any authorized or pending point-to-point applications.[3] A list of these broadcast auxiliary stations and their locations is attached as appendix B to this public notice.

Applications that have not been dismissed or otherwise found unacceptable will be sorted by channel selection, and applications for channels that are not mutually exclusive with any other pending application will be processed and assigned the requested channel pair. In the event that two or more applications are found to be mutually exclusive, a public notice will be issued listing the applications and any available channels; affected applicants will have an opportunity to resolve the mutual exclusivity by amending their applications, despite the closed window for the filing of applications. These modified applications will be required to contain the requisite engineering analysis with regard to potential interference to previously authorized facilities and pending applications. If mutually exclusive applications remain after this process is concluded, a lottery will be conducted for each channel among all remaining mutually exclusive applicants.

Applications, including Government applications filed with the NTIA, will be listed on a Commission public notice as soon as feasible after the filing window closes. Petitions to deny filed against any of these applications may be filed in accordance with either § 1.962(g) or § 21.30 of the Commission's Rules, whichever is applicable.

After this assignment process has concluded, the Commission will issue a list of all applications that have been granted. At that time, we will also establish the date after which new applications can be filed for any remaining channels in these bands.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Appendix A

Transmit (or receive) frequency (MHz)	Receive (or transmit) frequency (MHz)
25 kHz Point-to-Point Channels	
932.5125	941.5125
.5375	.5375
.5625	.5625
.5875	.5875
.6125	.6125
.6375	.6375
.6625	.6625
934.8375	.934.837
.8625	.8625
.8875	.8875
.9125	.9125
.9375	.9375
.9625	.9625
.9875	.9875
50 kHz Point-to-Point Channels	
932.7000	941.7000
.7500	.7500
934.8000	943.8000
100 kHz Point-to-Point Channels	
932.8250	941.8250
.9250	.9250
933.0250	942.0250
934.5250	943.5250
.6250	.6250
.7250	.7250
200 kHz Point-to-Point Channels	
933.1750	942.1750
.3750	.3750
.5750	.5750
.7750	.7750
.9750	.9750
934.1750	943.1750
.3750	.3750

Appendix B

BROADCAST AUXILIARY SERVICE LICENSEES AT 942–944 MHz

Location	Frequency (MHz)	Callsign	Licensee
Alabama:			
Mobile	944.000	KHH29	Trio Broadcasting Inc.
Alaska:			
North Kenai	944.250	WLO469	Pickle Hill Public B/C Inc.
California:			
Eureka	942.375	KGA29	Merit B/C Corp.
	942.625	KGA29	Merit B/C Corp.
Fresno	943.000	KWU28	East West FM Group Inc.
Hatchet Mt.	942.500	WDD21	Hermiston Broadcasting Co.
Los Angeles	942.875	KNU22	Classic Comm. of LA LTD.
	943.125	KNU22	Classic Comm. of LA LTD.
	943.375	KVG27	KFI, Inc.
	943.625	KVG27	KFI, Inc.
	943.375	WBS371	KFI, Inc.
	943.625	WBS371	KFI, Inc.
	943.875	WCX527	H&G Comm. of California.
	944.125	WCX527	H&G Comm. of California.
	943.000	WHY647	Classic Comm. of LA LTD.

[3] In accordance with footnote US302 to the Table of Frequency Allocations, broadcast auxiliary station applications in Puerto Rico may continue to apply for channels in the 942–944 MHz band and broadcast auxiliary station licensees in Puerto Rico may continue to modify existing facilities in the 942–944 MHz band subject to § 21.100(d) frequency coordination with other applicants for those channels. *See* § 2.106 of the Commission's Rules. 47 CFR 2.106.

BROADCAST AUXILIARY SERVICE LICENSEES AT 942-944 MHz—Continued

Location	Frequency (MHz)	Callsign	Licensee
	942.500	WJG86	Eleven-Fifty Corp.
Modesto	944.000	KUZ53	KOSO INC TR/AS KOSO B/C.
Mountain View	942.475	KIP46	Los Altos B/C Inc.
	942.625	KIP46	Los Altos B/C Inc.
Pittsburg	943.500	KMA91	Diamond B/C of Calif., Inc.
Sacramento	944.000	KNL38	Family Stations Inc.
San Diego	943.500	WHB306	Southern Nevada Radio, Inc.
San Francisco	944.125	KR5559	Bonneville Holding Co.
	944.000	WLL777	Pacific FM Inc.
Santa Barbara	943.400	KMS61	Schuele Organization Inc.
	943.650	KMS61	Schuele Organization Inc.
Stockton	943.000	KMQ87	Anchor Media TV Inc.
	942.500	KNH28	Valley Broadcasters Inc.
Colorado:			
Boulder	944.000	WGZ697	Boulder Valley B/C Inc.
Connecticut:			
Fairfield	943.500	WAL22	Sacred Heart Univ. Inc.
Florida:			
Key West	943.000	KOA34	Family Radio Ltd.
Miami Beach	944.000	WLD501	Howard B/C Corp.
Panama City	943.000	KNZ61	Communications SVCS B/C Inc.
Punta Gorda	944.000	WLO821	University of South Florida.
Tampa	944.000	KIX39	Tampa Television Inc.
Georgia:			
Atlanta	942.500	KRY36	Great American TV & Radio.
Columbus	943.500	KIN24	Columbus Bcstg Co Inc.
Manchester	943.850	KVR58	WFDR Inc.
	944.150	KVR58	WFDR Inc.
Idaho:			
Teakean Butte	943.000	KZV50	4-K Radio Inc.
Illinois:			
Chicago	943.500	KSA37	The Moody Bible Inst.
Edwardsville	944.225	WLL450	Horizon B/C Corp.
	944.225	WLL490	Horizon B/C Corp.
Pekin	944.250	WLO530	Central Ill. Radio.
Indiana:			
South Bend	943.875	KDI40	WSBT, Inc.
Iowa:			
Dubuque	942.375	KVV20	Telegraph-Herald Inc.
	942.625	KVV20	Telegraph-Herald Inc.
Mount Pleasant	944.000	WLL623	KILJ Inc.
Waterloo	943.000	KAO64	KXEL B/C Co. Inc.
Kansas:			
Wichita	942.375	KVW20	Yellow Stone Brick Radio.
	942.625	KVW20	Yellow Stone Brick Radio.
	943.000	KMV35	Aberdeen Comm. Inc.
Kentucky:			
Paducah	943.500	KWV68	WDXR, Inc.
Louisiana:			
Alexandria	944.000	KTB93	Alexandria B/C Co. Inc.
Shreveport	942.500	KRU73	Shreveport Great Empire B/C.
Maine:			
Portland	942.875	KCG45	WHOM Associates.
	943.125	KCG45	WHOM Associates.
	944.000	KVR53	Guy Gannett B/C Svcs.
Maryland:			
Cumberland	943.875	KUZ51	WTBO-WKGO Corp.
Massachusetts:			
Springfield	944.000	KMV31	New England B/C Corp.
Michigan:			
Alpena	943.875	WLF231	WHSB, Inc.
	944.125	WLF231	WHSB, Inc.
Minnesota:			
Duluth	943.000	KZV51	WDSM/KZIO Inc.
Missouri:			
Mansfield	944.000	WLO822	Terry L. Claar.
New Mexico:			
Roswell	942.675	KUX93	King B/C Co.
	943.125	KUX93	King B/C Co.
Tohatchi	943.500	WLD211	Ramah Navajo School Board.
New York:			
Albany	943.375	KEH79	WAMC.
	943.625	KEH79	WAMC.
Buffalo	942.500	KEK67	Western NY Educ. TV Assn.
	943.000	KEK64	Western NY Educ. TV Assn.
Cornwall	943.000	WBD21	Radio Cornwall.
North Carolina:			
Raleigh	944.000	KUY78	Capitol B/C Inc.
Washington	944.000	KGY95	Tar Heel B/C System Corp.

BROADCAST AUXILIARY SERVICE LICENSEES AT 942-944 MHz—Continued

Location	Frequency (MHz)	Callsign	Licensee
North Dakota:			
Williston	942.500	KWE37	KGCX, Inc.
	943.000	KWE38	KGCX, Inc.
Oklahoma:			
Poteau	942.875	WAU24	Indian Nation B/C.
	943.125	WAU24	Indian Nation B/C.
Oregon:			
Ashland	943.000	WDF26	Radio Medford Inc.
Corvallis	943.500	KRZ69	State of Oregon.
Portland	943.000	KTZ87	Alexander B/C Co.
Pennsylvania:			
Erie	943.000	WAA32	Burbach B/C Co.
Meadville	944.000	WLO824	Great Circle B/C Co.
Milton	942.875	KYX72	WMLP, Inc.
	943.125	KYX72	WMLP, Inc.
Scranton	942.375	KYK73	Scranton Times.
	942.625	KYK73	Scranton Times.
	942.500	KYX73	Scranton Times.
Tyrone	942.375	KGK39	Tyrone B/C Co.
	942.625	KGK39	Tyrone B/C Co.
	942.875	KGK40	Tyrone B/C Co.
	943.125	KGK40	Tyrone B/C Co.
	943.375	KHD20	Tyrone B/C Co.
	943.625	KHD20	Tyrone B/C Co.
South Carolina:			
Spartanburg	943.875	KJN80	Spartan Radiocasting Co.
	944.000	KJN80	Spartan Radiocasting Co.
	944.125	KJN80	Spartan Radiocasting Co.
Tennessee:			
Dyersburg	943.850	KGB95	Dr. Pepper Pepsi-Cola.
	944.150	KGB95	Dr. Pepper Pepsi-Cola.
Knoxville	942.500	KTY51	Stoner B/C System Inc.
Texas:			
Dallas	944.125	WHJ38	Bonneville Holding Co.
Houston	943.000	KLV57	Gulf Television Corp.
Texarkana	942.500	KZZ21	KCMC Inc.
Waco	943.500	WAL23	KWTX B/C Co.
Utah:			
Salt Lake City	942.375	KXZ63	KCPX Inc.
	942.625	KXZ63	KCPX Inc.
Virginia:			
Bedford	944.000	WLO331	Winfas of Virginia Inc.
Danville	943.500	KEB26	Piedmont B/C Corp.
Salem	942.875	KIK83	Mel Wheeler Inc.
	943.000	KIK83	Mel Wheeler Inc.
	943.125	KIK83	Mel Wheeler Inc.
Washington:			
Pasco	942.500	WGY68	Tri-Cities Comm. Inc.
Wisconsin:			
Eau Claire	942.500	KNN20	Central Communications Inc.
Oshkosh	943.850	KVP22	Kimball B/C Inc.
	944.150	KVP22	Kimball B/C Inc.
Puerto Rico:			
Cayey	942.500	WLH369	Arso Radio Corp.
Hato Rey	943.000	WLF599	Catholic Apostolic & Roman.
Isabela	943.875	WLF900	Radio Noroeste B/C Inc.
	944.125	WLF900	Radio Noroeste B/C Inc.
Jayuya	943.000	WAX25	Voice of Puerto Rico Inc.
Mayaguez	943.675	WLE823	WAEL Inc.
	944.125	WLE823	WAEL Inc.
Morovis	944.000	WLO450	Wifredo G. Blanco Pl.
Rincon	942.375	WLF565	Arso Radio Corp.
	942.625	WLF565	Arso Radio Corp.
San Juan	942.500	KCI71	Comm. Counsel Group, Inc.
	944.000	KRU35	Hearst Radio Inc.
	943.000	KUQ50	Radio Americus Corp.
	943.500	WLF715	Ministerio Radial Cristo.
Villa Fontan Park	943.875	WLJ532	Aero B/C Corp.
	944.125	WLJ532	Aero B/C Copr.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 90-20413 Filed 8-28-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal

Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011233–004.
Title: USA-East Africa Discussion Agreement.
Parties:

The Bank Line, Ltd.
Lykes Bros. Steamship Co., Inc.
United States East Africa Conference
Independent Carrier Parties
A.P. Moller-Maersk Line
Compagnie Generale Maritime
Mediterranean Shipping Company S.A.
P&O Containers, Ltd.

Synopsis: The proposed amendment would add Compagnie Maritime Belge (CMB) as an Independent Carrier Party to the Agreement.

Agreement No.: 212–011234–008
Title: U.S.A./South Europe Pool Agreement.
Parties:

Compania Trasatlantica Espanola, S.A.
Costa Container Lines, S.p.A.
Evergreen Marine Corporation
Italia di Navigazione S.p.A.
Lykes Lines (Lykes Bros. Steamship Co., Ltd.)
Nedlloyd Lines (Nedlloyd Lijnen B.V.)
P&O Containers Limited
Sea-Land Service, Inc.
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would modify Article 5.A.2.(b) to revise the dimensions of non-containerizable cargo.

Agreement No.: 207–011291–001.
Title: DSR/Stinnes West Indies Services.
Parties:

Hugo Stinnes Schiffahrt GmbH
Deutsche Seereederei Rostock GmbH

Synopsis: The proposed amendment would expand the geographic scope to include ports and inland points in Europe, Scandinavia, the United Kingdom and Ireland. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: August 23, 1990.
Joseph C. Polking,
Secretary.

[FR Doc. 90–20325 Filed 8–25–90; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Marc L. Dubin et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notifications listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 12, 1990.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. March L. Dubin, Baltimore, Maryland; and Charlotte Dubin, Baltimore; to acquire up to 24 percent of the voting shares of ENB Financial Corporation, Elkridge, Maryland, and thereby indirectly acquire Elkridge National Bank, Elkridge, Maryland.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. West Suburban Bank Stock Bonus Trust, to acquire 5.94 percent of the voting shares of West Suburban Bancorp, Inc., Lombard, Illinois, and thereby indirectly acquire West Suburban Bank, Lombard, Illinois; West Suburban Bank of Downers Grove/Lombard, Downers Grove, Illinois; West Suburban Bank of Carol Stream/Stratford, Bloomingdale, Illinois; West Suburban Bank of Darien, Darien, Illinois; and LBM Bank, Mascoutah, Illinois.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Gary M. and France S. Traughber, Elkton, Kentucky; Evelyn H. Traughber, Elkton, Kentucky; Brent Hill Traughber, Elkton, Kentucky; and Ewing Berkley Traughber, Metairie, Louisiana; to acquire an additional 2.78 percent of the voting shares of Elkton Bancorp, Inc., Elkton, Kentucky, for a total of 18.45 percent, and thereby indirectly acquire Elkton Bank & Trust Company, Elkton, Kentucky.

Board of Governors of the Federal Reserve System, August 23, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90–20326 Filed 8–28–90; 8:45 am]
BILLING CODE 6210–01–M

Grand Valley Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than September 18, 1990.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Grand Valley Corporation, Grand Junction, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Grand Valley National Bank, Grand Junction, Colorado.

Board of Governors of the Federal Reserve System, August 23, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-20327 Filed 8-28-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

[Announcement No. 052]

Grant To Conduct Studies of Immunogenicity and Efficacy of Hepatitis B Vaccine in Infants; Availability of Funds for Fiscal Year 1990

Introduction

The Centers for Disease Control (CDC) announces the availability of funds to provide assistance to the New York Blood Center to perform two related studies on hepatitis B vaccination in infants born to mothers who are infected with hepatitis B virus (HBV). Study 1 seeks to determine long-term persistence (five to ten years) of antibody in infants given immunoprophylaxis at birth with hepatitis B vaccine (plasma-derived or recombinant) and hepatitis B immune globulin (HBIG) to prevent transmission of HBV and to determine the occurrence of late HBV infections in these infants. Study 2 is designed to determine the efficacy of a lower dose of hepatitis B vaccine given with HBIG, and second dose given on an altered schedule, in preventing transmission of HBV infection from infected mothers to their infants during the perinatal period as compared to data from Study 1.

Authority

This program is authorized under section 317(k)(3) of the Public Health Service Act (42 U.S.C. 247b(k)(3)), as amended.

Eligible Applicant

In an attempt to study the effectiveness of hepatitis B vaccine and HBIG in preventing perinatal HBV infections in infants born to hepatitis Be antigen (HBeAg)-positive mothers, the New York Blood Center conducted two multi-center clinical trials. In the first trial conducted in 1981–1985, they evaluated plasma-derived hepatitis B vaccine and HBIG; and in the second, conducted in 1984–1987, they evaluated recombinant hepatitis B vaccine and HBIG. From these clinical trials, the New York Blood Center has developed a unique study population which is still available for long-term follow-up studies. Such a well-defined immunized infant population does not exist elsewhere in the United States. The infant population will be invaluable for evaluating the long-term efficacy of hepatitis B vaccine and HBIG when administered to infants at birth and for correlating the mid- to long-term immune status and hepatitis B infection rate of the immunized children with that of their mothers.

In addition to the availability of the immunized study population and both clinical and laboratory data from that study, the New York Blood Center has other characteristics which are essential to the study which include: (1) A large prenatal population with significant Asian representation (specifically Korean, Chinese, Vietnamese, Filipino, and other Southeast Asian) from which to enroll infants in the lower dosage and altered schedule efficacy trial; (2) language-appropriate recruitment information for these various ethnic groups that has already been developed as a result of the previous hepatitis vaccine trial is available for this trial; and (3) laboratory capability for performing the appropriate serological and biochemical determinations is available. Therefore, the New York Blood Center is the only applicant with the ability to conduct these studies.

Availability of Funds

Approximately $300,000 will be available in fiscal year 1990 to fund this grant. It is expected that it will begin on or about September 28, 1990 for a 12-month budget period with a project period of up to two years. A continuation award within the project period will be made on the basis of satisfactory progress and availability of funds.

Purpose

The purpose of this grant is to provide assistance to the New York Blood Center for: (1) Determining the long-term persistence of antibody and late HBV infection rate in infants given immunoprophylaxis at birth with hepatitis B vaccine (plasma-derived and recombinant) and hepatitis B immune globulin (HBIG), and (2) determining the efficacy of a lower dose of hepatitis B vaccine given with HBIG in preventing transmission of HBV infection from infected mothers to their infants during the perinatal period, particularly in high risk populations. Results of these studies will assist in the development of prevention and control strategies.

Study 1 will provide data on antibody levels to evaluate the long term persistence of antibody to hepatitis B vaccination and the late HBV infection rate in infants immunized with both types of hepatitis B vaccine combined with HBIG. It will also provide data on antibody levels and infection rates five to ten years after immunoprophylaxis and provide the base line data to compare with lower vaccine dosage information derived from Study 2. In addition, the latter will examine the efficacy of a lower dose of hepatitis B vaccine and an altered vaccine schedule. These studies may lead to determinations on the need for booster doses of vaccine as well as assist in determining whether the lower dosage of vaccine (which is used for infants not born to HBV infected mothers) provides the same level of protection.

Program Requirements

Activities for each grant study are as follows:

Study 1

Conduct study to determine long-term persistence (five to ten years) of antibody and late HBV infection rate in two groups of infants given immunoprophylaxis at birth with hepatitis B vaccine (plasma-derived or recombinant) hepatitis B immune globulin (HBIG) to prevent transmission of hepatitis B virus (HBV) from HBeAg-positive mothers to their infants.

Study 2

Conduct study to determine the efficacy of a lower dose of hepatitis B vaccine given with HBIG in preventing transmission of HBV infection from infected mothers to their infants during the perinatal period, particularly in high risk populations and compare the data obtained from Study 1.

Review and Evaluation Criteria

The application will be evaluated according to the following criteria:

1. The applicant's understanding of the purpose of the studies and the feasibility of producing the required data.

2. The extent to which background information and other data demonstrate that the applicant has the appropriate organizational structure, administrative support and accessibility to an adequate number of participants in the target populations to accomplish study goals.

3. The degree to which the proposed objectives are consistent with study goals and are realistic, specific, measurable and time-phased.

4. The quality of the plan of operation for conducting the proposed studies and the degree to which the plan covers proposed activities outlined for each

study and specifies the what, who, where, how and the timing for start and completion of each.

5. The degree to which the research plan will be able to achieve the objectives and the quality of the methods and instruments to be used.

6. The extent to which methods and strategies proposed are financially feasible.

7. The extent to which qualified and experienced personnel are available to carry out the proposed activities.

This program involves research on human subjects, therefore, the applicant must comply with Public Law 93–148 regarding the protection of human subjects. Assurances must be provided that demonstrate that the project or activity will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and forms provided in the application kit.

Executive Order 12372 Review

This application is not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372 (45 CFR 100).

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this grant is 13.283.

Application Submission and Deadline

The New York Blood Center must submit an original and two copies of the application (Form PHS–5161–1) to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E14, Atlanta, GA 30305.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please reference Announcement Number 052, entitled "Studies of Immunogenicity and Efficacy of Hepatitis B Vaccine in Infants," and contact the following:

Business: Rose Belk, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mailstop E14, Atlanta, GA 30305, (404) 842–6640 or FTS 236–6640

Technical: Harold S. Margolis, M.D., or Judith R. Aguilar, Hepatitis Branch, Division of Viral and Rickettsial Diseases, Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road, NE., Mailstop A33, Atlanta, GA 30333, (404) 639–2339 or FTS 236–2339

Dated: August 22, 1990.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 90–20381 Filed 8–28–90; 8:45 am]

BILLING CODE 4160–18–M

[Announcement No. 053]

Cooperative Agreement To Conduct Study To Ascertain Methods To Promote Acceptance of Hepatitis B Vaccination Among Adolescents in the College Setting Availability of Funds for Fiscal Year 1990

Introduction

The Centers for Disease Control (CDC) announces the availability of funds to provide assistance to the American College Health Association (ACHA) to compare health education/motivational approaches to motivate/educate students to enroll in a vaccination program against hepatitis B, determine behavioral and epidemiologic characteristics of students who enroll in the program and determine whether cost is a deterrent to vaccination.

Authority

This program is authorized under section 317(k)(3) of the Public Health Service Act (42 U.S.C. 247b(k)(3)), as amended.

Eligible Applicant

The American College Health Association (ACHA) is a voluntary, non-profit organization representing over 650 colleges and universities in the United States, Canada and internationally. The Association promotes cooperative efforts among schools of higher education, shares knowledge on important college health issues and is a central resource for the development and distribution of educational material and for professional development. ACHA is organized into six regions: New York/New England; Mid-Atlantic; South/Southwest; Mid-America; Rocky Mountain and Pacific Coast. ACHA has been the recipient of previous CDC cooperative agreements targeted at the college campus populaiton.

During the 1989–1990 school year, ACHA conducted an educational/motivational campaign to promote the use of hepatitis B vaccine among college students on three campuses located in three geographic regions. ACHA has developed appropriate educational and advertising materials, questionnaires and methods for determining epidemiologic factors which might be associated with acceptance or nonacceptance of hepatitis B vaccine. Students previously enrolled in the program will provide first year enrollment baseline data for comparison with subsequent year vaccine acceptance rates.

In addition to the existing baseline data and already-developed educational and campaign materials, ACHA has other characteristics which are essential to the study: (1) Access to other previously developed hepatitis B educational materials and questionnaires; (2) access to other universities across the country which can be matched for ethnic composition, population, ratio of undergraduate-to-graduate, etc.; (3) access to university college health programs which have the facilities necessary to deliver vaccine and draw sera; and (4) a system developed for tracking students to ensure completion of the hepatitis B vaccine series. No other multi-university hepatitis B program has been initiated; thus ACHA is uniquely qualified and the only eligible applicant for this study.

Availability of Funds

Approximately $75,000 will be available in Fiscal Year 1990 to fund this cooperative agreement. It is expected to begin on or about September 28, 1990 for a 12-month budget period with a total project period of 24 months. A non-competing continuation award within the project period will be made on the basis of satisfactory progress and availability of funds.

Purpose

The purpose of this cooperative agreement is to provide assistance to the ACHA to: (1) Determine which of several health education approaches will motivate/educate students to enroll in a vaccination program against hepatitis B; (2) ascertain behavioral and epidemiologic determinants of students who enroll in this study; and (3) determine whether cost is a deterrent to vaccination.

Program Requirements

Recipient Activities

A. Distribute previously developed health education materials targeted at college students to inform them of their risk of hepatitis B infection, especially from sexual transmissions, to inform them of the availability of safe, effective

vaccine, and to motivate them to seek vaccination at the student health service.

B. Obtain sera to determine hepatitis B infection status and administer questionnaire to ascertain student behaviors which place them at risk for hepatitis B infection and identify factors that influence them to be vaccinated.

C. Develop a provider-based tracking system to: (1) Assure vaccination of students who come to the student health center seeking hepatitis B vaccination and (2) ensure completion of the three-dose series.

D. Determine the behavioral and epidemiologic characteristics of college students who enroll in the program and consider themselves at high- or low-risk of infection.

E. Determine how much students are willing to pay for hepatitis B vaccine and if cost is a deterrent to vaccination.

F. From the previous study on the three campuses, determine whether the rate of acceptance of hepatitis B vaccine reflects a secular change in the second year of an educational program and define factors contributing to attaining a high vaccination completion rate.

G. Contrast and compare other educational/motivational materials and determine their effectiveness by measuring the number of students enrolled in the vaccination program. This will be accomplished by using appropriate control campuses (matched by ethnic composition, population, ratio of undergraduate-to-gratuate, etc. as closely as possible to the original universities).

H. Upon completion of these activities, gather and disseminate results to its member institutions and other entities, as appropriate, and collaborate with CDC in possibly applying the results of these studies to other appropriate settings.

CDC Activities

A. Provide consultation and technical assistance in planning, conducting and evaluating the studies.

B. Provide serological assays to determine hepatitis B status.

C. Collaborate with ACHA in applying the results of these studies to other appropriate settings.

Projects funded through a cooperative agreement that involve collection of information from 10 or mroe individuals will be subject to review under the Paperwork Reduction Act.

This program involves research on human subjects, therefore, the applicant must comply with Public Law 93–148 regarding the protection of human subjects. Assurances must be provided that demonstrate that the project or activity will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and forms provided in the application kit.

Review and Evaluation Criteria

The application will be evaluated according to the following criteria:

1. The applicant's understanding of the purpose of the study and the feasibility of producing the required results.

2. The extent to which background information and other data demonstrate that the applicant has the appropriate organizational structure, administrative support and accessibility to an adequate number of participants in the target populations to accomplish study goals.

3. The degree to which the applicant's plan is consistent with study goals and is realistic, specific, measurable and time-phased.

4. The quality of the plan of operation for conducting the proposed activities and the degree to which the plan covers the "Recipient Activities" and specifies the what, who, where, how and the timing for start and completion of each.

5. The degree to which the applicant's plan will be able to achieve the objectives and the quality of the methods and instruments to be used.

6. The extent to which methods and strategies proposed are financially feasible.

7. The extent to which qualified and experienced personnel are available to carry out the proposed activities.

Executive Order 12372 Review

This application is not subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372 (45 CFR part 100).

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number for this cooperative agreement is 13.283.

Application Submission and Deadline

The American College Health Association (ACHA) must submit an original and two copies of the application (Form PHS–5161–1) to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., room 300, Mailstop E14, Atlanta, GA 30305.

Where to Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please reference Announcement Number 053, entitled "A Study to Ascertain Methods to Promote Acceptance of Hepatitis B Vaccination Among Adolescents in the College Setting," and contact the following:

Business: Rose Belk, Grants Management Specialist, Grants, Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., room 300, Mailstop E14, Atlanta, GA 30305 (404) 842–6640 or FTS 236–6640

Technical: Harold S. Margolis, M.D., or Judith R. Aguilar, Hepatitis Branch, Division of Viral and Rickettsial Diseases, Center for Infectious Diseases, Centers for Disease Control, 1600 Clifton Road NE., Mailstop A33, Atlanta, GA 30333, (404) 639–2339 or FTS 236–2339

Dated: August 22, 1990.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

Glenda S. Cowart,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 90–20382 Filed 8–28–90; 8:45 am]

BILLING CODE 4160–18–M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Ambulatory and Hospital Care Statistics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the NCVHS Subcommittee on Ambulatory and Hospital Care Statistics established pursuant to 42 U.S.C. 242k, section 306(k)(2), of the Public Health Service Act, as amended, announces the following meeting.

Name: NCVHS Subcommittee on Ambulatory and Hospital Care Statistics.

Time and date: 9 a.m.–5 p.m., September 12, 1990.

Place: Room 303A–305A, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Status: Open.

Purpose: The purpose of this meeting is for the Subcommittee to begin a systematic review of the Uniform Hospital Discharge Data Set. Testimony will be received concerning the collection and use of external cause-of-injury data. The Subcommittee also will

address other aspects of its charge, as time permits.

Contact person for more information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone number (301) 436–7050.

Dated: August 22, 1990.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 90–20379 Filed 8–28–90; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

Statement of Organization, Functions, and Delegations of Authority; Establishment of Office of Small Business, Scientific, and Trade Affairs

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, as amended most recently in pertinent part at 55 FR 10115, March 19, 1990 and 49 FR 45261, November 15, 1984) is amended to reflect the transfer of functions and the establishment of an office in the Food and Drug Administration (FDA).

FDA is proposing to establish an Office of Small Business, Scientific, and Trade Affairs within the Immediate Office of the Commissioner and transfer those functions related to industry liaison activities from the Office of Regulatory Resource Management in the Office of Regulatory Affairs. The new Office of Small Business, Scientific, and Trade Affairs will provide for an elevated visibility of industry-related communication activities.

Section HF–B Organization and Functions is amended as follows:

1. Add a new subparagraph (a–6) Office of Small Business, Scientific, and Trade Affairs (HFA–C) reading as follows:

(a–6) *Office of Small Business, Scientific, and Trade Affairs (HFA–C).* Advises and assists the Commissioner and other Agency officials on industry-related issues which have an impact on policy, direction, and goals.

Serves as the Agency focal point for overall industry liaison and communication activities within FDA, including FDA centers, and between FDA and FDA-regulated industry, industry trade associations, and scientific associations.

Serves as a liaison with other Agency components to provide advice and assistance to small manufacturers and scientific associations to promote their understanding of and compliance with FDA regulations.

Develops and maintains effective channels of communication with regulated industry, professional societies, and trade and scientific associations.

2. Delete subparagraph (f–1) Office of Regulatory Resource Management (HFA4A) in its entirety and insert a new subparagraph (f–1) reading as follows:

(f–1) *Office of Regulatory Resource Management (HFA4A).* Services as the Agency lead office in developing and maintaining international regulatory policy and activities to assure U.S. consumers the same degree of protection from imported products as from domestically produced products. Develops regulatory policies and goals for input into the Agency international stragegy plan.

Serves as the Agency lead office, in cooperation with the Office of Health Affairs, in initiating, coordinating, and offering specific regulatory bilateral agreements and Memoranda of Understanding (MOUs) to foreign countries.

Provides policy direction to other Agency components in the initiation, development, and recommendation of specific domestic regulatory bilateral agreements an MOUs with other governments.

Provides technical input for the Office of Regulatory Affairs quality assurance program as it pertains to assuring the consistency and adequacy of field investigational and inspectional operations.

Develops proposed overall field manpower allocations and long-and short-range operational program plans; identifies management data requirements for information systems; analyzes and evaluates field performance data and overall accomplishments.

Advises the Associate Commissioner and the Regional Food and Drug Directors on all areas of management, including financial management, management analysis, and administrative operations.

Designs, develops, and manages the equal employment opportunity program and a comprehensive career development and training program for Office of Regulatory Affairs Headquarters and field employees.

Dated: June 26, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90–20383 Filed 8–28–90; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Program Announcement for Grants for Predoctoral Training in Family Medicine

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1991 Grants for Predoctoral Training in Family Medicine are being accepted under the authority of section 786(a), Title VII, of the Public Health Service Act, as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100–607.

The Administration's budget request for FY 1991 does not include funding for this program. Applicants should be advised that this program announcement is a contingency action being taken to ensure that should funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Section 786(a) of the Public Health Services Act authorizes the award of grants to assist in meeting the cost of planning, developing and operating or participating in approved predoctoral training programs in the field of family medicine. Grants may include support for the program only or support both the program and the trainees.

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR part 57, subpart Q. Eligible applicants are accredited public or nonprofit private schools of medicine or osteopathic medicine.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The potential effectiveness of the proposed project in carrying out the training purposes of section 786(a) of the Act;

2. The degree to which the proposed project adequately provides for the project requirements;

3. The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner; and

4. The potential of the project to continue on a self-sustaining basis after the period of grant support.

In addition, the following mechanisms may be applied in determining the funding of approved applications.

1. Funding priorities—favorable adjustment of review scores when applications meet specified objective criteria.

2. Special considerations—enhancement of priority scores by merit reviewers based on the extent to which applicants address special areas of concern.

Funding Priorities for Fiscal Year 1991

The following priorities were implemented in fiscal years 1989 and 1990, after public comment and are extended in fiscal year 1991.

In determining the order of funding of approved applications, a funding priority will be given to:

1. Projects in which substantial training experience is in a PHS 332 health manpower shortage area and/or PHS 329 migrant health center, PHS 330 community health center or PHS 781 funded Area Health Education Center or State designated clinic/center serving an underserved population.

2. Projects which satisfactorily demonstrate enrollment of underrepresented minorities in proportion to or greater than their percentage in the general population or can document an increase in the number of underrepresented minorities (i.e., Black, Hispanic and American Indian/Alaskan Native minority trainees).

Special Consideration

Special consideration will be given to applicants that demonstrate to the satisfication of the Secretary a commitment to family medicine in their medical education training programs.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D–15), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C–26, Rockville, Maryland 20857, telephone: (301) 443–6960.

Completed applications should be forwarded to the Grants Management Officer at the above address.

If additional programmatic information is needed, please contact: Primary Care Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–16, Rockville, Maryland 20857, telephone: (301) 443–3614.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

Public Law 100–607, section 633(a), requires that for grants authorized under sections 780, 784, 785 and 786 for FY 1990 or subsequent fiscal years, the Secretary of Health and Human Services shall, not less than twice each fiscal year, issue solicitations for applications for such grants if amounts appropriated for such grants and remaining unobligated at the end of the first solicitation period, are sufficient with respect to issuing a second solicitation.

The deadline date for receipt of applications is November 9, 1990. Applications shall be considered as meeting the deadline date if they are either:

1. Received on or before the deadline date, or

2. Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications received after the deadline will be returned to applicant.

This program is listed at 13.896 in the *Catalog of Federal Domestic Assistance*. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Program (as implemented through 45 CFR part 100).

Dated: August 6, 1990.

Robert G. Harmon,

Administrator.

[FR Doc. 90–20333 Filed 8–28–90; 8:45 am]

BILLING CODE 4160–15–M

National Institutes of Health

John E. Fogarty International Center for Advanced Study in the Health Sciences; Meeting of Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the sixteenth meeting of the Fogarty International Center (FIC) Advisory Board, October 2, 1990, in the Stone House (Building 16), at the National Institutes of Health.

The meeting will be open to the public from 8:30 a.m. to 3 p.m. The morning agenda will include a report by the Director of the FIC; a presentation on NIH's Strategic Plan and NIH's expected FY 1991 appropriation; FIC's final response to the Board's December 1988 recommendations, its implementation plan, and any further plans for long-range planning; a report on the Assistant Secretary of Health Working Group report of biomedical science literacy; and a report on the NIH Advisory Committee to the Director meeting on NIH training programs.

The afternoon agenda will include a presentation on U.S. science policy since World War II, and progress reports from principal investigators on FIC's AIDS Institutional Awards.

In accordance with the provisions of secs. 552b(c)(4) and 552(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public from 3 p.m. to adjournment for the review of applications, nominations, Scholars' conferences and international studies.

Myra Halem, Committee Management Officer, Fogarty International Center, Building 31, room B2C32, National Institute of Health, Bethesda, Maryland 20892 (301–496–1491), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Coralie Farlee, Assistant Director for Planning and Evaluation, Fogarty International Center (Executive Secretary), Building 31, room B2C32, telephone 301–496–1491, will provide substantive program information.

Dated: August 14, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–20314 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Meeting of the Developmental Therapeutics Contracts Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Developmental Therapeutics Contracts Review Committee, National Cancer Institute, National Institutes of Health, September 13–14, 1990, Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chase Room, Chevy Chase, Maryland 20815

This meeting will be open to the public on September 13 from 8:30 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on September 13 from 9:30 a.m. to recess and on September 14 from 8:30 a.m. to adjournment for the review,

discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Committee Management Office, National Cancer Institute, Building 31, room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Dr. Susan E. Feinman, Executive Secretary, Developmental Therapeutics Contracts Review, 5333 Westbard Avenue, room 809, Bethesda, Maryland 20892 (301/402–0944) will furnish substantive program information.

Dated: August 20, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–20315 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting of Research Training Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Research Training Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health, on September 30, October 1 and 2, 1990, at the Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

This meeting will be open to the public on September 30, from 8 p.m. to approximately 9:30 p.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public on October 1, from approximately 8 a.m. until adjournment on October 2, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Kathryn Ballard, Executive Secretary, NHLBI, Westwood Building, room 550, Bethesda, Maryland 20892, (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: August 14, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–20316 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; Meeting of the National Advisory Council on Aging

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Council on Aging, National Institute on Aging (NIA), on October 4–5, 1990. On October 4 the Council will meet in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. until 2 p.m. for a status report by the Director, National Institute on Aging; a report on the Behavioral and Social Research Program; and for discussions of program policies and issues, recent legislation, and other items of interest.

It will again be open to the public Friday, October 5, Conference Room 6, from 8:30 a.m. to adjournment for a report on NIA Training Program Activities; the IOM Study of Health Promotion and Aging; and a report on the Task Force on Minority Aging. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5 U.S.C. and sec. 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on October 4 from 2 p.m. to recess for the review, discussion, and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Council Secretary for the National Institute on Aging, National Institutes of Health, Building 31, Room 5C02, Bethesda, Maryland 20892, (301) 496–9322, will provide a summary of the meeting and a roster of committee members upon request.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: August 14, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–20320 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Arthritis and Musculoskeletal and Skin Diseases Advisory Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to provide advice to the National Institute of Arthritis and Musculoskeletal and Skin Diseases on September 11 and 12, 1990, Conference room 6, Building 31, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public September 11 from 8:30 a.m. to 12 noon to discuss administrative details relating to Council business and special reports. Attendance by the public will be limited to space available.

The meeting of the Advisory Council will be closed to the public on September 11 from 1 p.m. to recess and again on September 12 from 8:30 a.m. to adjournment at approximately 12 noon in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Further information concerning the Council meeting may be obtained from Dr. Michael Lockshin, Executive Secretary, National Arthritis and Musculoskeletal and Skin Diseases Advisory Council, NIAMS, Westwood Bldg., room 403, Bethesda, Maryland 20892, (301) 496–7495.

A summary of the meeting and roster of the members may be obtained from

the Committee Management Office, NIAMS, Building 31, room 4C32, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–0803.

(Catalog of Federal Domestic Assistance Program No. 13.846, Arthritis, Bone and Skin Diseases, National Institutes of Health)

Dated: August 14, 1990.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 90–20317 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Meeting of the National Advisory Child Health and Human Development Council

Pursuant to Public Law 92–463, notice is hereby given of meeting of the National Advisory Child Health and Human Development Council, September 17–18, 1990 in Building 31, Conference Room 6, National Institutes of Health, Bethesda, Maryland, and the meeting of the Subcommittee on Planning on September 17 from 8:30 a.m. to 9:30 a.m. in Building 31, room 2A03.

The Council meeting will be open to the public on September 17 from 9:30 a.m. until 5 p.m. The agenda includes a report by the Director, NICHD, and a presentation by the Demographic and Behavioral Sciences Branch, Center for Population Research. The meeting will be open on September 18 immediately following the review of applications if any policy issues are raised which need further discussion. The Subcommittee meeting will be open on September 17 from 8:30 a.m. to 9:30 a.m. to discuss program plans and the agenda for the next Council meeting. Attendance by the public will be limited to space available.

In accordance with the provision set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, the meeting will be closed to the public on September 18 from 8:00 a.m. to completion of the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Plummer, Council Secretary, NICHD, Executive Plaza North, Room 520, National Institutes of Health, Bethesda, Maryland 20892, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health.)

Dated: August 14, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–20318 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communication Disorders; Meeting of Working Group on Research and Training at the NIDCD: Deaf Community Perspectives

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Working Group on Research and Training at the National Institute on Deafness and Other Communication Disorders (NIDCD): Deaf Community Perspectives on September 7, 1990. The meeting will take place from 8 a.m. to adjournment at 5 p.m. in Conference Room 6, Building 31A, National Institutes of Health (NIH), 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting, which will be open to the public, is being held to discuss the deaf community perspective on research and training for the NIDCD. Attendance by the public will be limited to space available.

Dr. Marin Allen, Chief, Program Planning and Health Reports Branch, NIDCD, Room 1B–62, Building 31, NIH, 9000 Rockville Pike, Bethesda, Maryland 20892, (301) 496–7243, will provide on request an agenda and roster of participants. Summaries of the meeting may also be obtained by contacting her office.

Dated: August 22, 1990.

J.E. Rall,

Acting Director, NIH

[FR Doc. 90–20321 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences; Meeting of National Advisory Environmental Health Sciences Council

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, September 17–18, 1990 at the National Institute of Environmental Health Sciences, Building 101 Conference Room, South Campus, Research Triangle Park, North Carolina.

This meeting will be open to the public on September 17 from 9 a.m. to approximately 2 p.m. for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Public Law 92–463, the meeting will be closed to the public September 17, from approximately 2 p.m. to adjournment on September 18, for the review, discussion and evaluation of individual grant applications.

These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winona Herrell, Committee Management Officer, NIEHS, Bldg. 31, Rm. 2B55, NIH, Bethesda, Md. 20892 (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Anne Sassaman, Director, Division of Extramural Research and Training, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, FTS 629–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: August 14, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–20319 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

National Institutes of Health; Statement of Organization, Functions and Delegations of Authority

Part H, chapter HN (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 55 FR 30984, July 30, 1990), is amended to reflect the following changes within the National Center for Research Resources: (1) Change the title of Division of Intramural Research Resources (HNR2) to Intramural

Research Resources (HNR2) and revise its functional statement, and (2) change the title of the Division of Extramural Research Resources (HNR3) to Extramural Research Resources (HNR3). These changes will increase the efficiency and improve the performance of programs in support of intramural and extramural research resources by improving cohesiveness among and coordination between intramural and extramural scientists in similar program areas.

Section HN–B, Organization and Functions, is amended as follows:

(1) Under the heading *Division of Intramural Research Resources (HNR2),* delete the title and functional statement in their entirety and substitute the following:

Intramural Research Resources. (1) Plans and conducts a centralized program contributing to the advancement of NIH research by providing resources for the tasks of planning, executing, analyzing, and reporting the findings of research projects as follows: (a) Provides support by the application of engineering, mathematics, physics, and the physical sciences to the solution of problems in biology and medicine, including technical support services related to the fabrication of new devices, the rental, repair, purchase, maintenance, and calibration of scientific equipment;

(b) Provides professional and technical support services related to the care and use of animals, including the provision and care of research animals, research consultation, disease control services, and administrative support for the Office of Animal Care and Use, OD/NIH;

(c) Provides comprehensive research, library suport to NIH scientific, clinical, and management program through an extensive collection of books and journals, access to computer information banks, translation, and staff assistance and consultation in information handling and retrieval; and

(d) Provides a complete visual communications program utilizing design, graphics, medical illustration, photography, and video recording for documentation of medical research programs and data for all NIH information dissemination needs.

(2) Under the heading *Division of Extramural Research Resources (HNR3),* change the title to *Extramural Research Resources (HNR3).*

Dated: August 22, 1990.

J.E. Rall,

Acting Director, NIH.

[FR Doc. 90–20343 Filed 8–28–90; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–010–00–4333–09]

Motor Vehicles; Off-Road Vehicle Designations; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of approved off-road vehicle management decision, Cody Resource Area, Wyoming.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) has approved the off-road vehicle (ORV) management decisions presented in the Cody Resource Area Proposed Resource Management Plan. The decision has been made by the BLM for managing ORV use on about 1,093,600 acres of public land surface administered by the BLM in the Cody Resource Area of the Worland District.

The approved Cody ORV management decisions were developed under regulation (43 CFR Part 1600) for implementing the Federal Land Policy and Management Act of 1976. An environmental impact statement was prepared in compliance with the National Environmental Policy Act of 1969 for this decision. This decision supersedes all previous land use planning decisions on vehicular use in the Code Resource Area.

Copies of the approved ORV management decisions have been mailed to all participants on the active mailing list for the Cody Resource Management Plan. Copies may also be obtained upon request from the Cody Resource Area at the address or telephone number listed below.

The selection and approval of the ORV management decision for the Cody Resource Area is based on the proposed Cody Resource Management Plan (RMP) analyzed in the final environmental impact statement (EIS) for the Cody planning area. During the 30 day protest period on the Cody proposed RMP/final EIS, six protests were filed, none of which were related to the proposed ORV management decisions. Therefore, in the interests of timing, the ORV management decisions are made final and will be incorporated into the approved Cody RMP for the planning area when it is completed.

FOR FURTHER INFORMATION CONTACT: For further information on this decision, write or call Tom Enright, Cody Resource Area Manager, 1714 Stampede Avenue, Cody, Wyoming 82414, or telephone (307) 587–2216.

Dated: August 20, 1990.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 90–20355 Filed 8–28–90; 8:45 am]

BILLING CODE 4310–22–M

[WY–010–00–4333–08]

Availability; Management Framework Plan Amendment, Grass Creek Resource Area, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of the management framework plan amendment for off-Road vehicle use; Grass Creek Resource Area, Wyoming.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) has amended the Grass Creek Resource Area Management Framework Plan (MFP). This amendment modifies off-road vehicle (ORV) use decisions in the four wilderness areas (WSAs) totaling 52,468 acres in the Grass Creek Resource Area from the "limited" use designation to the designation of "closed" to motorized vehicle use. The State of Wyoming, however, would continue to have motorized vehicular access to State-owned land and mineral in holdings in the WSAs over designated roads and trails crossing BLM administered public lands in the WSAs.

Copies of the decision record for this MFP amendment are available upon request from the Grass Creek Resource Area at the address or telephone number listed below.

This decision is consistent with BLM land use planning policy guidance and regulations (43 CFR part 8340) for managing ORVs on public lands. This Grass Creek MFP Plan Amendment will provide for additional protection of semiprimative nonmotorized recreation opportunity values, cultural and paleontological resources, water quality, and wildlife habitat in the areas designated. Impacts to the public will be minimal.

This decision will become final following a 30-day protest period. Protests should be sent to: Director (202), Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, before the end of the 30-day protest period. Protests should include: (1) The name, mailing address, telephone number, and interest of the person filing the protest; (2) a statement of the issue being protested; (3) a copy of all documents addressing the issue that the protesting party submitted during the planning process, or an indication of the

date the issue was discussed for the record; and (4) a concise statement explaining why the proposed decision is believed to be wrong.

DATES: The 30-day protest period will begin on August 28, 1990.

FOR FURTHER INFORMATION CONTACT: For further information on this decision, write or call Joe Vessels, Grass Creek Resource Area Manager, 101 South 23rd Street, Worland, Wyoming 82401, or telephone (307) 347–9871.

Dated: August 20, 1990.

Ray Brubaker,

State Director, Wyoming.

[FR Doc. 90–20352 Filed 8–28–90; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW114690]

Proposed Reinstatement of Terminated Oil and Gas Lease

August 20, 1990.

Pursuant to the provisions of Public Law 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW114690 for lands in Johnson County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The leasee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C 188), and the Bureau of Land Management is proposing to reinstate lease WYW114690 effective February 1, 1990, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Doris M. Miller,

Acting Supervisory Land Law Examiner.

[FR Doc. 90–20351 Filed 8–28–90; 8:45 am]

BILLING CODE 4310–22–M

[NV–930–00–4212–24; N–52353]

Realty Action; Filing of Application for Conveyance of Federally Owned Mineral Interests; NV

Red, White and Blue Pictures, Inc. has applied under section 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719, 43 CFR 2720; to purchase the Federal mineral interst in the following land:

All that certain real property situated in the Southwest one-quarter (SW¼) of the Northwest one-quarter (NW¼) of section twenty-two (22), Township twenty-one (21) South, Range sixty-one (61) East, Mount Diablo Meridian, Clark County, Nevada, being parcel 1 of parcel map file 61, page 52, filed in the Office of the Clark County Recorder on July 20, 1989, as filed No. 00387, and being more particularly described as follows:

Beginning at the Southwest corner of the above mentioned parcel 1, also being a point on the northerly line of Harmon Avenue, from which the West one-quarter (¼) corner of said section 22 bears South 00°06'24" West, 40.01 feet; thence along the westerly line of said parcel 1, North 00°06'24" East, 517.25 feet; thence leaving said westerly line, South 88°54'59" East, 677.80 feet to the westerly line of Paradise Road as shown on said parcel map file 61, page 52; thence along said westerly line, South 14°04'14" East 254.41 feet; thence leaving said westerly line, South 75°55'46" West, 195.00 feet; thence south 14°04'14" East 115.31 feet; thence South 06°30'26" East, 110.02 feet to the northerly line of Harmon Avenue as shown on the above mentioned parcel map; thence along said northerly line, North 88°56'36" West 591.95 feet to the above described point of beginning. Containing 7.664 acres more or less.

FOR FURTHER INFORMATION CONTACT: Carolyn Spoon, Las Vegas District Office, 4765 W. Vegas Dr., P.O. Box 26569, Las Vegas, Nevada 89126, (702) 647–5000, for more information concerning this application.

SUPPLEMENTARY INFORMATION: Upon publication of this notice in the **Federal Register**, the mineral interests described above will be segregated from appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either upon issuance of a patent or other document of conveyance of such mineral interests upon final rejection of the application, or two years from the date of filing of the application, July 24, 1990, whichever occurs first.

Dated: August 17, 1990.

Ben F. Collins,

District Manager, Las Vegas, NV.

[FR Doc. 90–20295 Filed 8–28–90; 8:45 am]

BILLING CODE 4310–HC–M

[WY–030–00–4212–13; WYN–113713]

Realty Action; Exchange; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, proposed exchange of public and private lands in Fremont, Carbon and Natrone Counties.

SUMMARY: The surface estate of the following described lands has been determined, through the Bureau planning process, to be suitable for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Sixth Principal Meridian

T. 28 N., R. 89 W.,
Sec. 24, SW¼NW¼.
T. 28 N., R. 90 W.,
Sec. 17, SE¼SW¼;
Sec. 20, NE¼NW¼.
T 28, N., R. 91 W.,
Sec. 22, Lot 2, SW¼NE¼.
T. 29 N., R. 88 W.,
Sec. 19, N½NE¼NE¼, SW¼SE¼NE¼;
Sec. 20, N½N½NW¼, S½NE¼NW¼, SE¼NW¼NW¼, N½SE¼;
Sec. 25, N½SE¼.
T. 32 N., R. 99 W.,
Sec. 8, SW¼NE¼;
Sec. 17, NW¼SE¼.
T. 32 N., R. 100 W.,
Sec. 27, SW¼NW¼, NW¼SW¼;
Sec. 28, S½NE¼, NE¼SE¼, S½SE¼;
Sec. 33, NW¼NE¼,
T. 33 N., R. 100 W.,
Sec. 30, SE¼NW¼.
T. 40 N., R. 91 W.,
Sec. 3, SE¼SE¼;
Sec. 13, Lots 2 and 3, E½NW¼.
T. 40 N., R. 105 W.,
Sec. 6, NE¼SW¼.
T. 41 N., R. 105 W.,
Sec. 6, Lot 4;
Sec. 18, W½SE¼;
Sec. 19, NW¼NE¼.
T. 41 N., R. 106 W.,
Sec. 7, Lot 4;
Sec. 17, SE¼SE¼;
Sec. 18 Lot 1, NE¼NW¼;
Sec. 21, E½NW¼SE¼, E½NW¼N W¼SE¼, SW¼NW¼SE¼, SW¼SE¼;
Sec. 28, E½NW¼.
T. 41 N., R. 107 W.,
Sec. 13, SE¼NE¼, E½SE¼.
T. 42 N., R. 105 W.,
Sec. 14, SW¼NE¼;
Sec. 28, W½NE¼;
Sec. 29, N½.
T. 42 N., R. 106 W.,
Sec. 5, Lots 3 and 4, S½NW¼.
T. 42 N., R. 107 W.,
Sec. 1, SE¼SW¼.
T. 42 N., R. 108 W.,
Sec 9, W½NW¼;
Sec. 21, S½NE¼.

The above aggregates 2513.2 acres of public lands.

Final determination of suitability for disposal will be made through the Environmental Assessment process pursuant to the National Environmental Policy Act 1969, as amended.

In exchange for these lands, the United States proposes to acquire the surface estate of the following described lands from the Nature Conservancy:

Sixth Principal Meridian

T. 40 N., R. 105 W.,
Sec. 17, All;
Sec. 18, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 19, N½N½;
Sec. 20, E½, N½NW¼;
Sec. 29, NE¼, N½SE¼.

The above aggregates 2040.0 acres of private land.

FOR FURTHER INFORMATION CONTACT: Jack Kelly, Area Manager, Lander Resource Area, (307) 332–7822. Information relating to the exchange is available for review at the Lander Resource Area Office, 125 Sunflower, P.O. Box 589, Lander, Wyoming 82520.

SUPPLEMENTARY INFORMATION: The proposed exchange is actually Phase II of a two-phase exchange. Phase I involved the acquisition of 822.1 acres of private land owned by The Nature Conservancy in exchange for 474.48 acres of public land and was completed on April 20, 1990.

The purpose of this exchange is to acquire non-federal lands which have high public values for wildlife habitat, specifically bighorn sheep. The exchange would provide additional winter range for the Whiskey Mountain bighorn sheep herd, which is the largest Rocky Mountain bighorn sheep herd in the United States. The public interest would be served by the completion of this exchange.

The exchange will be for equal values. Any differences in value between the offered and selected lands will be equalized through adjustments in public land acreage or through a cash payment. Any monetary payments shall not exceed 25 percent of the value of the public lands and interest being conveyed.

Lands to be transferred from the United States will be subject to the following:

1. Reservation of a right-of-way for ditches and canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945.

2. Reservation of all minerals along with the right of ingress and egress for exploration and development.

3. Oil and Gas leases, BLM serial numbers W–90465, W–117439, W–73042, W–90662, W–73915.

4. Reservation of rights-of-way, BLM serial numbers W–27302, W–80299, W–41020, W–26912, W–102217, W–81240AL, W–8124OP, W–86044, W–73321.

5. Any other valid existing rights that are identified during the evaluation process.

Publication of this notice segregates the selected public land from the operation of all other public land laws, including the general mining laws, for a period of 2 years from the date of first publication.

For a period of forty-five (45) days from the date of first publication, interested parties may submit comments to the Lander Resource Area Office, P.O. Box 589, Lander, Wyoming 82520. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this proposed realty action. In the absence of any objections, this proposed realty action will become final.

Dated: July 24, 1990.

Charlotte Gray,

Acting Area Manager.

[FR Doc. 90–20822 Filed 8–28–90; 8:45 am]

BILLING CODE 4310–22–M

[NM–932–09–4332–09]

New Mexico; Public Review Period for USGS/USBM "Mineral Survey Reports"; Wilderness Study Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The New Mexico Bureau of Land Management (BLM) is requesting the public to review combined U.S. Geological Survey (USGS) and U.S. Bureau of Mines (USBM) "Mineral Survey Reports" which have been completed for preliminary suitable Wilderness Study Areas (WSAs). If the public identifies significant differences in interpretation of the data presented in the reports or submits significant new minerals data for consideration, the BLM will request USGS/USBM evaluate these comments in relation to their final Mineral Survey Report. The BLM will consider the USGS/USBM evaluate these comments in relation to their final Mineral Survey Report. The BLM will consider USGS/USBM evaluations as well as the Mineral Survey Report in developing final wilderness suitability recommendations. Copies of the WSA reports can be reviewed in BLM offices in Santa Fe, Albuquerque, Taos, Farmington, Las Cruces, Socorro, Roswell, Carlsbad, Tulsa and Oklahoma City.

DATES: New information will be accepted on the reports enumerated in this notice until October 29, 1990.

ADDRESSES: Send information on reports to: Deputy State Director, Mineral Resources, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, NM 87504–1449.

FOR FURTHER INFORMATION CONTACT: Powell King, BLM, New Mexico State Office, Division of Mineral Resources, (505) 988–6186.

SUPPLEMENTARY INFORMATION: Section 603 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2785, directed the Secretary of the Interior to inventory lands having wilderness characteristics as described in the Wilderness Act of September 3, 1964, and from time to time report to the President his recommendations as to the suitability or non-suitability of each area for preservation as wilderness. The USGS and USBM are charged with conducting mineral surveys for areas that have been preliminarily recommended suitable for inclusion into the wilderness system, to determine the mineral values, if any, that may be present in such areas.

To ensure that all available minerals data are considered by the Bureau of Land Management prior to making its final wilderness suitability recommendations to the Secretary of the Interior, the State Director, New Mexico is providing this public review and comment period. Usually there is a one to two year lag time between actual field work and final printing of a mineral survey report. New information may have been collected by the public during this lag time or the public may have a new interpretation of the data presented in the mineral survey reports. Any new data or new interpretations of data in the reports will be screened for its significance and validity by the Bureau of Land Management. Significant new minerals data or new interpretations of the minerals data will be forwarded to the U.S. Geological Survey and U.S. Bureau of Mines for further consideration. Evaluations received by the Bureau of Land Management from the U.S. Geological Survey and U.S. Bureau of Mines will be considered by the State Director in the final wilderness suitability recommendations.

Information requested from the public via this invitation is not limited to any specific energy or mineral resource. Information can be in the form of a letter and should be as specific as possible and include:

1. The name and number of the subject Wilderness Study Area and Mineral Survey Report.

2. Mineral(s) of interest.

3. A map or land description by legal subdivision of the public land surveys or protected surveys showing the specific parcel(s) of concern within the subject Wilderness Study Area.

4. Information and documents that depict the new data or reinterpretation of data.

5. The name, address and phone number of the person who may be contacted by technical personnel of the Bureau of Land Management, U.S. Geological Survey or U.S. Bureau of Mines assigned to review the information.

Geologic maps, cross sections, drill hole records and sample analyses, etc., should be included. Published literature and reports may be cited. Each comment should be limited to a specific Wilderness Study Area. All information submitted and marked confidential will be treated as proprietary data and will not be released to the public without consent.

The following is a list of available Mineral Survey Reports by Wilderness Study Area (WSA) on which new information will be accepted.

WSA No.	Name	Report No
010-021	Chamisa	BU 1733-E
010-063	Empedrado	BU 1733-E
010-063A	La Lena	BU 1733-E

Reports available for review in BLM offices will not be available for sale or removal from the office. Copies of the listed reports may be purchased from: U.S. Geological Survey, Books and Open File Reports, Box 25425, Federal Center, Denver, Colorado 80225.

Dated: August 22, 1990.

Gilbert O. Lockwood,

Deputy State Director, Mineral Resources.

[FR Doc. 90-20380 Filed 8-28-90; 8:45 am]

BILLING CODE 4310-FB-M

[NV-930-00-4214-11; Nev-058297; Nev-060240]

Proposed Modification of Withdrawals; Nevada

AGENCY: Bureau of Land Management Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service proposes that two withdrawals within the Toiyabe National Forest comprising 280.63 acres for the Charleston Cavern Geological Area and Robbers Roost Cave be modified to establish a 20-year term. The land will remain closed to surface entry and mining. The land has been and will remain open to mineral leasing.

DATES: Comments should be recieved by November 27, 1990.

ADDRESSES: Comments should be sent to: Chief, Branch of Lands and Minerals Operations. Bureau of Land Management. P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, 702-785-6526.

The U.S. Forest Service proposes that 57.49 acres of the existing land withdrawals made by Public Land Orders Nos. 2785 dated October 15, 1962, and 3253 dated October 16, 1963, be modified to continue for a period of 20 years pursuant to section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Mount Diablo Meridian

T. 19 S., R. 57 E.,
Sec. 8, SW¼ of Lot 11, SE¼ of Lot 12, NE¼ of Lot 14;
Sec. 17, N½SE¼NW¼.

The area described aggregates 57.49 acres in Clark County.

The withdrawals were originally established for the purposes of protecting geological, historical, and recreational values. The land is currently used for the purpose for which it was withdrawn.

The withdrawals segregate the land from operation of public land laws generally, including the mining laws, but not the mineral leasing laws. For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed continuation of the withdrawals may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the Nevada State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination of the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Marla B. Bohl,

Acting Deputy State Director, Operations.

[FR Doc. 90-20294 Filed 8-28-90; 8:45 am]

BILLING CODE 4310-HC-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-300]

Certain Doxorubicin and Preparations Containing Same; Commission Decision To Extend Administrative Deadline for Completion of Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has decided to extend the administrative deadline for completion of the above-captioned investigation from August 21, 1990, to October 9, 1990.

ADDRESSES: Copies of the nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary , U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1000.

FOR FURTHER INFORMATION CONTACT: Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commisison, 500 E Street, SW., Washington DC 20436, telephone 202-252-1092.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

SUPPLEMENTARY INFORMATION: On March 9, 1990, the Commission determined not to review an initial determination (Order No. 13) declaring this investigation "more complicated" under 19 U.S.C. 1337(b)(1) and extended the administrative deadline for completion of the investigation to August 21, 1990. On May 21, 1990, the presiding ALJ issued an initial determination (ID) finding no violation of section 337 in the subject investigation. On July 5, 1990, the Commission determined to review the ID in its entirety. The issues on review raise complex issues of fact and law in the context of a voluminous record. In addition, several motions must be disposed of prior to or in conjunction with final action by the Commission.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.54-.59 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.54-.59 (1990)).

Issued: August 21, 1990.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-20367 Filed 8-28-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-451 (Final)]

Gray Portland Cement and Cement Clinker From Mexico

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] [3] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the act), that an industry in the United States is materially injured by reason of imports from Mexico of gray portland cement and cement clinker, provided for in subheadings 2523.10.00, 2523.29.00, and 2523.90.00 of the Harmonized Tariff Schedule of the United States (previously under items 511.14 of the former Tariff Schedules of the United States), that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective April 6, 1990, following a preliminary determination by the Department of Commerce that imports of gray portland cement and cement clinker from Mexico were being sold at LTFV within the meaning of section 733(a) of the act (19 U.S.C. 1673b(a)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 3, 1990 (55 FR 18683). The hearing was held in Washington, DC, on July 19, 1990, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 23, 1990. The views of the Commission are contained in USITC Publication 2305 (August 1990), entitled "Gray Portland Cement and Cement Clinker from Mexico: Determination of the Commission in Investigation No. 731-TA-451 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: August 24, 1990.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-20364 Filed 8-28-90; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(h) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(h)).

[2] Commissioner Rohr dissenting.

[3] Commissioner Newquist did not participate.

[Investigation No. 337-TA-317]

Certain Internal Mixing Devices and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 24, 1990, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Farrel Corporation, 25 Main Street, Ansonia, Connecticut 06401. The complaint was amended on August 8, 1990. Supplements to the complaint were filed on August 9 and 10, 1990. The complaint, as amended and supplemented, alleges violations of section 337 in the importation into the United States, the sale for importating, and the sale within the United States after importation of certain internal mixing devices and components thereof based upon misappropriation of trade secrets, infringement of U.S. Registered Trademark No. 551,425, and false representation of source. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337 and that the threat or effect of the unfair methods of competition and unfair acts is to destroy or substantially injure such domestic industry.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent limited exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, expect for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

FOR FURTHER INFORMATION CONTACT: Linda C. Odom, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1574.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.12.

Scope of Investigation: Having conisdered the complaint, the U.S. International Trade Commission, on August 21, 1990, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States or in the sale of certain internal mixing devices and components thereof by reason of alleged misappropriation of trade secrets or false representation of source, the threat or effect of which is to destroy or substantially injure an industry in the United States; and

(b) Whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain internal mixing devices and components thereof by reason of alleged infringement of U.S. Registered Trademark No. 551,425, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complaint is—

Farrel Corporation, 25 Main Street, Ansonia, Connecticut 06401.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Pomini Farrel S.p.A., 21053 Castellanza (Varese), Via Leonardo Da Vinci, 20, Italy;

Pomini, Inc., 6400 W. Snowville Road, Brecksville, Ohio 44141.

(c) Linda C. Odom, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401P, Washington, DC, 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in

accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 19 CFR 210.21. Pursuant to §§ 201.16(d) and 210.21(a) of the Commission's Rules, 19 CFR 201.16(d) and 210.21(a), such responses will be conisdered by the Commission if received not later than 20 days after the date of service of the complaint and notice of investigation. Extensions of time for submitting responses to the complaint and notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to the the respondent, to find the facts to be as alleged in the complaint and this notice, and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order, or a cease and desist order, or both, directed against such respondent.

Issued: August 21, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-20365 Filed 8-28-90; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-308]

Certain Key Blanks for Keys of High Security Cylinder Locks; Decision Not To Review an Initial Determination Finding Respondent Scobee Enterprises, Ltd,. In Default; Issuance of Limited Exclusion Order

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 11) issued on July 26, 1990, by the presiding administrative law judge (ALJ) in the above-captioned investigation finding respondent Scobee Enterprises, Ltd. in default and has issued a limited exclusion order in the investigation.

FOR FURTHER INFORMATION CONTACT: Marc A. Bernstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-252-1087.

SUPPLEMENTARY INFORMATION: The authority for the Commission's determinations is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), as amended by the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418(Aug. 23, 1988), and in §§ 210.25(c), 210.53, and 210.58 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.25(c), 210.53, 210.58.)

On October 26, 1989, Medeco Security Locks, Inc. ("Medeco") filed a complaint with the Commission alleging violations of section 337 in the importation and sale of certain key blanks for keys of high security cylinder locks. The complaint alleged induced and contributory infringement of claims 4, 5, 17, 18, and 19 of U.S. Letters Patent 4,635,455 and claims 1, 2, and 3 of U.S. Letters Patent 4,732,022, both owned by Medeco.

The Commission instituted an investigation into the allegations of Medeco's complaint and published a notice of investigation in the **Federal Register**. 55 FR 49119 (Nov. 29, 1989). The notice named Action Security Products, Inc. ("ASP") of Ventura, California as respondent. Subsequently, the ALJ issued an ID amending the notice of investigation to add as respondents: (1) Scobee enterprises, Ltd. ("Scobee") of Vancouver, B.C., Canada, and (2) Korea Trading International, Inc. ("KTI") of Seoul, Korea. The Commission determined not to review the ID, which then became the determination of the Commission. 55 FR 14490 (April 18, 1990).

The investigation has been terminated as to respondents ASP and KTI on the basis of consent orders.

On July 26, 1990, the ALJ issued an ID finding Scobee in default. No persons filed petitions for review of the ID and no government agencies submitted comments. The Commission determined not to review that ID.

The ID of July 26, 1990, additionally instructed complainant Medeco to file a declaration with the Secretary pursuant to § 210.24(c) of the Commission's interim rules, 19 CFR 210.24(c), setting forth the type of relief that it seeks. On August 2, 1990, Medeco declared that pursuant to interim rule 210.25(c), 19 CFR 210.25(c), it sought a limited exclusion order directed against respondent Scobee.

Section 337(g)(1) of the Tariff Act of 1930 as amended, 19 U.S.C. 1337(g)(1), provides that the Commission shall presume the facts alleged in a complaint to be true, and, upon request, issue a limited exclusion order and/or cease and desist order if: (1) A complaint is filed against a person under section 337, (2) the complaint and a notice of investigation are served on the person, (3) the person fails to respond to the complaint and notice or otherwise fails to appear to answer the complaint and notice, (4) the person fails to show good cause why it should not be found in default, and (5) the complainant seeks relief limited solely to that person. Such an order shall be issued unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the Commission finds that such exclusion should not be issued.

Each of the statutory requirements for the issuance of a limited exclusion order has been met with respect to defaulting respondent Scobee. The Commission has further determined that the public interest factors enumerated in section 337(g)(1) do not preclude the issuance of such relief. The Commission has established that bond under the limited exclusion order during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the imported articles.

Copies of the ID, the limited exclusion order, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

Issued: August 23, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90-20369 Filed 8-28-90; 8:45 am]

BILLING CODE 7020-02-M

[Inv. No. 337-TA-302]

Certain Self-Inflating Mattresses; Commission Decision To Certify to an Administrative Law Judge Respondents' Allegations of Abuse of Commission Process by Complainant

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has certified to an administrative law judge (ALJ) the request filed by respondents Gymwell Corporation and Goodway Corporation for institution of an ancillary proceeding to investigate an alleged violation of Commission interim rule 210.5 by complainant Cascade Designs, Inc.

FOR FURTHER INFORMATION CONTACT: Rhonda M. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 252–1083. Copies of the Commission's Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436; telephone (202) 252–1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at (202) 252–1810.

SUPPLEMENTARY INFORMATION: The Commission voted to institute the above-captioned investigation on August 8, 1989. On March 5, 1990, complainant Cascade Designs, Inc. filed a motion (Motion No. 302–10) to terminate the investigation as to Gymwell Corporation and Goodway Corporation, the only respondents in the investigation. On March 7, 1990, complainant filed a renewed motion to terminate the investigation with prejudice (Motion No. 302–12). The two respondents opposed the motions, while the Commission investigative attorney (IA) did not. On March 9, 1990, the presiding ALJ issued an ID granting the motions and terminating the investigation. On April 9, 1990, the Commission determined not to review the ID. On March 22 and April 11, 1990, respondents filed requests for institution of an ancillary proceeding to investigate respondents' allegation that complainant had abused Commission process in violation of Commission interim rule 210.5.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.5 of the Commission's Interim Rules of Practice and Procedure (19 CFR 210.5).

Issued: August 23, 1990.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–20368 Filed 8–28–90; 8:45 am]

BILLING CODE 7020–02–M

[Investigation Nos. 701–TA–303 (Preliminary) and 731–TA–465–468 (Preliminary)]

Certain Sodium Sulfur Chemical Compounds From the Federal Republic of Germany, the People's Republic of China, Turkey, and the United Kingdom

Determinations

On the basis of the record[1] developed in the subject investigations, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Turkey of sodium metabisulfite and sodium thiosulfate, provided for in subheadings 2832.10.00 and 2832.30.10, respectively, of the Harmonized Tariff Schedule of the United States (HTS), that are alleged to be subsidized by the Government of Turkey.

Further, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from the Federal Republic of Germany, the People's Republic of China, Turkey, and the United Kingdom of sodium metabisulfite that are alleged to be sold in the United States at less than fair value (LTFV).

The Commission also determines, pursuant to section 733(a) of the Tariff Act of 1930, that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from Turkey of sodium thiosulfate that are alleged to be sold in the United States at less than fair value (LTFV).

Finally, the Commission determines,[3] pursuant to section 733(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the Federal Republic of Germany, the People's Republic of China, and the United Kingdom of sodium thiosulfate that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 9, 1990, a petition was filed with the Commission and the Department of Commerce by Calabrian Corporation, Houston, TX, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of sodium metabisulfite and sodium thiosulfate, in liquid or dry form, from the Federal Republic of Germany, the People's Republic of China, Turkey, and the United Kingdom, and by reason of subsidized imports of these products from Turkey. Accordingly, effective July 9, 1990, the Commission instituted preliminary countervailing duty investigation No. 701–TA–303 (Preliminary) and preliminary antidumping investigations Nos. 731–TA–465–468 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of July 13, 1990 (55 FR 28834). The conference was held in Washington, DC, on July 31, 1990, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on August 23, 1990. The views of the Commission are contained in USITC Publication 2307 (August 1990), entitled "Certain Sodium Sulfur Chemical Compounds From the Federal Republic of Germany, the People's Republic of China, Turkey, and the United Kingdom: Determinations of the Commission in Investigation Nos. 701–TA–303 (Preliminary) and 731–TA–465–468 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

Issued: August 24, 1990.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–20366 Filed 8–28–90; 8:45 am]

BILLING CODE 7020–02–M

---

[1] The record is defined in § 207.2(h) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(h)).

[2] Acting Chairman Brunsdale dissenting with respect to imports of sodium metabisulfite from the Federal Republic of Germany and the United Kingdom.

[3] Acting Chairman Brunsdale dissenting.

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31646]

Mid Michigan Railroad Company, Inc.—Lease and Operation Exemption—Missouri Pacific Railroad Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts Mid Michigan Railroad Company, Inc. from the prior approval requirements of 49 U.S.C. 11343–11344 for the lease and operation of a line of railroad and rail-related property in North Texas known as the Bonham Package. The line is presently owned and operated by Missouri Pacific Railroad Company, a wholly owned subsidiary of Union Pacific Corporation. The main portion of the line runs between Texarkana and Whitesboro, TX. The exemption is subject to employee protective conditions and an historic preservation condition.

DATES: This exemption is effective on September 28, 1990. Petitions for stay must be filed by September 13, 1990. Petitions for reconsideration must be filed by September 24, 1990.

ADDRESSES: Send pleadings referring to Finance Docket No. 31646 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representatives:

Joseph D. Anthofer, Missouri Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179,

and

Kelvin J. Dowd, 1224 Seventeenth St., NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245. [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 275–1721.]

Decided: August 17, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett. Commissioner Lamboley dissented in part with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–20400 Filed 8–28–90; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-No. 325X)]

Exemption; Burlington Northern Railroad Co.; Abandonment Exemption; In St. Louis County, MN

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon its 0.59-mile line of railroad between mileposts 81.96 and 82.16, and mileposts 110.22 and 110.61, in Virginia, St. Louis County, MN.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by September 10, 1990.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by September 18, 1990, with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

Sarah J. Whitley, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 31, 1990. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 23, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.

Secretary.

[FR Doc. 90–20280 Filed 8–28–90; 8:45 am]

BILLING CODE 4510–23–M

[Docket No. AB–330X]

Otter Trail Valley Railroad Company, Inc.—Abandonment Exemption—In Stearns County, MN

Applicant has filed a notice of exemption under 49 CFR Part 1152, subpart F—*Exempt Abandonments* to abandon its 4.1-mile line of railroad between milepost 90.1, at Avon, and

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

milepost 86.0, a point west of St. Cloud, in Stearns County, MN.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 48 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on September 28, 1990 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issue,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by September 10, 1990.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by September 18, 1990, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Jill M. Hawken, Weiner, McCaffrey, Brodsky, Kaplan & Levin, P.C., 1350 New York Avenue NW., Suite 800, Washington, DC 20005–4797.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by August 31, 1990. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275–7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 23, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–20399 Filed 8–28–90; 8:45 am]

BILLING CODE 7035–01–M

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C. 2d 164 (1987).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

DEPARTMENT OF JUSTICE

Lodging of Consent Decree

In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622, and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a complaint styled *United States* v. *Beazer East Inc.* was filed in the United States District Court for the Southern District of Texas on July 30, 1990, and, simultaneously, a consent decree was lodged with the Court in settlement of the allegations in the complaint. This consent decree settles the government's claims in the complaint pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607, for injunctive relief to abate an imminent and substantial endangerment to the public health, welfare or the environment because of actual or threatened releases of hazardous substances from a facility, and for the recovery of response costs incurred by the United States with respect to a facility located northeast of Houston, Texas known as the "South Cavalcade Site." The complaint alleged, among other things, that the defendant is a person who owned or operated a facility at which hazardous substances were disposed of, and that the United States has incurred and will continue to incur response costs in response to the release or threat of release of hazardous substances from the Site.

Under the terms of the proposed consent decree, the defendants agree to fund and implement a remedy at the South Cavalcade Site which includes soil washing and in situ soil flushing for soil remediation and physical/chemical separation followed by filtration and activated carbon absorption for remediation of contaminated ground water. As an alternative remediation plan, EPA will allow the use in situ biological treatment of soil and groundwater, provide that the defendant can demonstrate that this remedial method will provide equal or better protection than the selected remedy. The consent decree also calls for the defendant to pay the United States the sum of $500,000.00 for past response costs incurred by the Government and to pay for all future response and oversight costs incurred by the government and related to the remedial action to be undertaken at the Site.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th and Pennsylvania Avenue, NW., Washington, DC 20530. All comments should refer to *United States* v. *Beazer East Inc.*, D.J. Ref. 90–11–2–535.

The proposed consent decree may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC 20004, 202–347–7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $12.75 (25 cents per page reproduction costs) payable to Consent Decree Library. The proposed Consent Decree may also be reviewed at the Environmental Protection Agency:

EPA Region VI

Contact: Marvin Benton, Office of Regional Counsel, U.S. Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 655–2120; and the Office of the United States Attorney, Courthouse and

Federal Building, 515 Rusk Avenue, Third Floor, Houston, Texas 77002.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-20298 Filed 8-28-90; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy at 28 CFR 50.7, notice is hereby given that on August 20, 1990, a proposed consent decree in *United States* v. *Innerspace Environmental Services, Inc. and HJW Industrial, Inc.*, Civil Action No. 90-2298-V, was lodged with the United States District Court for the District of Kansas. The complaint filed by the United States alleged violations by the defendant of the Clean Air Act and the National Emission Standard for Hazardous Air Pollutants (NESHAP) for asbestos. The complaint sought injunctive relief and civil penalties for past violations. The proposed consent decree requires defendants to comply with the Clean Air Act and the asbestos NESHAP in the future and to provide 30 days written notice to the U.S. Environmental Protection Agency, Region VII in advance of engaging in future asbestos abatement activities. The decree also imposes a $1,000 civil penalty for past violations of the Act and the Standard.

For the period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Innerspace Environmental Services, Inc. and HJW Industrial, Inc.*, Department of Justice reference number 90-5-2-1-1262.

The proposed consent decree may be examined at the Office of the United States Attorney, 385 Federal Building, 444 Quincy Street, Topeka, Kansas 66683 and at the Region VII Office of the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101. The proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC 20004, (202) 347-7829. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $2.50 (25 cents per page reproduction costs) payable to "Consent Decree Library." When requesting a copy, please refer to *United States* v. *Innerspace Environmental Services, Inc. and HJW Industries, Inc.*, Department of Justice 90-5-2-1-1262.

Richard B. Stewart,

Assistant Attorney General, Environmental and Natural Resources Division.

[FR Doc. 90-20297 Filed 8-28-90; 8:45 am]

BILLING CODE 4410-10-M

Drug Enforcement Administration

Manufacturer of Controlled Substance Application; Abbott Laboratories

Pursuant to § 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on June 15, 1990, Abbot Laboratories, 14th Street and Sheridan Road, ATTN: Customer Service D-345, North Chicago, Illinois 60064, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug:	*Schedule*
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 28, 1990.

Dated: August 20, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-20289 Filed 8-27-90; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application; Mallinckrodt Specialty Chemicals Co.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 24, 1990, Mallinckrodt, Specialty Chemicals Company, Mallinckrodt & Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substance in Schedule II.

Drug:	*Schedule*
Raw opium (9600)	II
Opium poppy (9650)	II
Concentrate of Poppy Straw (9670)	II
Coca leaves (9040)	II

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic classes of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than September 28, 1990.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registrations to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 20, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-20288 Filed 8-28-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy

Meeting Notice

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: September 11, 1990, 9:30 a.m.-12 noon, rm. S2217—, Frances Perkins, Department of Labor Building, 200 Constitution Ave, NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 522b(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy. Due to vacation schedules, we are unable to provide the full 15 days of advance notice of this meeting.

For further information, contact: Fernand Lavallee, Director, Trade Advisory Group, Phone: (202) 523-2752.

Signed at Washington, DC this 24th day of August, 1990.

Shellyn G. McCaffrey,

Deputy Under Secretary, International Affairs.

[FR Doc. 90-20402 Filed 8-28-90; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 7, 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 7, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 20th day of August 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/worker/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Ace Sweater Mill (workers)	Union, SC	8/20/90	7/26/90	24,728	Men's sweaters.
American Trim Products, Inc. (workers)	New York, NY	8/20/90	7/12/90	24,729	Buttons.
B&P Cedar Products, Inc. (company)	PeEll, WA	8/20/90	7/26/90	24,730	Cedar shakes.
Buffalo Electric Co., Inc. (IBEW)	Buffalo, NY	8/20/90	8/08/90	24,731	Control panels.
Canton Sewing (ILGWU)	Canton, OH	8/20/90	8/09/90	24,732	Ladies apparel.
Concurrent Computer Corp. (company)	Oceanport, NJ	8/20/90	8/12/90	24,733	Computers.
Crane Defense Machinists, Dist. #9	St. Louis, MO	8/20/90	8/07/90	24,734	Weapons.
Creative Specialty Mfg. (company)	Lancaster, OH	8/20/90	8/08/90	24,735	Ovenware sets.
Douglas & Lomason (company)	Newnan, GA	8/20/90	8/01/90	24,736	Auto trim.
Fashion Pet Accessories, Inc. (workers)	Newark, NJ	8/20/90	8/10/90	24,737	Doug sweaters & coats.
Florian Fashions (ILGWU)	Cleveland, OH	8/20/90	8/09/90	24,738	Ladies apparel.
Foxmoor C/O Amerdock Corp. (workers)	Fort Lee, NJ	8/20/90	8/08/90	24,739	Clothing.
Friendship Foundry (company)	Friendship, NY	8/20/90	8/01/90	24,740	Castings.
Grand Haven Brass (AIW)	Grand, Haven, MI	8/20/90	8/08/90	24,741	Castings.
GTE Sylvania (IUE)	Salem, MA	8/20/90	8/08/90	24,742	Bulbs.
H&H Star Energy DBA Petrostar Energy (workers)	Traverse City, MI	8/20/90	8/06/90	24,743	Oil & gas.
Health-Tex (workers)	Gadsden, AL	8/20/90	8/20/90	24,744	Children's apparel.
Helmrich and Payne IDC, (workers)	Tulsa, OK	8/20/90	8/08/90	24,745	Oil & gas.
Hodes Dress Co. (ILGEWU)	Plainfield, NJ	8/20/90	8/09/90	24,746	Dresses.
Inland Tool & Mfg. (workers)	Detroit, MI	8/20/90	7/31/90	24,748	Blood analyzer.
Instrumentation Laboratory (company)	Spokane, WA	8/20/90	7/31/90	24,748	Blood analyzer.
Integrated Resources Energy Group (workers)	Denver, CO	8/20/90	7/31/90	24,749	Oil & gas.
International Mfg. Serv., Inc. (company)	Postmouth, RI	8/20/90	8/07/90	24,750	Resistors.
KY&J Shake Co. (company)	Chehalis, WA	8/20/90	8/07/90	24,751	Shakes & shingles.
Land & Marine Rental Co./Tesoro Petroleum Co. (workers)	San Antonio, TX	8/20/90	8/13/90	24,752	Drilling equip.
Larsan Mfg. (IAM)	Newark, OH	8/20/90	8/16/90	24,753	Tools.
Mass & Waldstein (OCAW)	Newark, NJ	8/20/90	8/10/90	24,754	Nail polish & remover.
Malapai Resources (workers)	Bruni, TX	8/20/90	8/07/90	24,755	Uranium.
Midwest Foundry Co. (workers)	Coldwater, MI	8/20/90	8/08/90	24,756	Auto parts.
Mirarobles, Inc. (workers)	New Holland PA	8/20/90	8/08/90	24,757	Fabric & yarn.
MLC Co., Inc. (workers)	Midland, TX	8/20/90	8/06/90	24,758	Oil & gas.
Modicon, Inc. (workers)	Pittsburgh, PA	8/20/90	8/05/90	24,759	Circuit boards.
Northern Chathams Bedding (company)	Rahway, NJ	8/20/90	7/30/90	24,760	Pillows & comforters.
Northwest Cedar, Inc. (company)	Burlington, WA	8/20/90	7/26/90	24,761	Cedar shakes.

APPENDIX—Continued

Petitioner (union/worker/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Ranger Well Serv., Inc. (co. & workers)	Kilgore, TX	8/20/90	7/30/90	24,762	Oil & gas.
RB&W (company)	Cleveland, OH	8/20/90	8/10/90	24,763	Fasteners.
Soabar Products Group (workers)	Philadelphia, PA	8/20/90	8/10/90	24,764	Tickets & tags.
Tredegar Molded Products (company)	Bedford Heights, OH	8/20/90	8/10/90	24,765	Plastic parts.
TXO Production, Corp. (company)	Corpus Christi, TX	8/20/90	8/07/90	24,766	Oil & gas.
Unique Mfg., Inc. (workers)	Jersey City, NJ	8/20/90	7/27/90	24,767	Tablecloths.
W&W Design Mfg., Inc. (company)	Linden, NJ	8/20/90	8/03/90	24,768	Rings.

[FR Doc. 90-20403 Filed 8-28-90; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 1990.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,537; Tipperary Corp., Denver, CO

TA-W-24,540; Agway, Inc., Bridgetown, NJ

TA-W-24,559; Neilton Point Cedar, Inc., Quinault, WA

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-24,536; Syroco, Inc., Syracuse, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,547; Galeton Production Co., Galeton, PA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-24,560; Pillsbury Green Giant, Watsonville, CA

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA-W-24,592; ASARCO, Galena Mine, Wallace, UT

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,531; OMC Corp., Milwaukee, WI

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,550; Guilford Mills, Inc., Augusta, GA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,532; Pat Fashions, Inc., New York, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,576; Lafarge Cement Corp., Metaline Falls, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,518; AT & T Watertown Service Center, Watertown, MA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,569; Carol Cables Co., Inc., New Bedford, MA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,542; Bell Drilling & Producing Co., Logan, OH

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,551; Helmerich & Payne, Inc., Iraan, TX

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-24,545; Doxsee Foods Bordeen, Inc., Baltimore, MD

Increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-24,506; Langshaw Manufacturing Co., Inc., New Bedford, MA

A certification was issued covering all workers separated on or after May 30, 1989 and before November 30, 1989.

TA-W-24,529; Magnetek Universal Electric, Owosso, MI

A certification was issued covering all workers separated on or after May 29, 1989.

TA-W-24, 528; Louisiana Operators, Inc., Lafeyette, La

A certification was issued covering all workers separated on or after May 18, 1990.

TA-W-24,353; Smith & Nephew Perry, Carrollton, OH

A certification was issued covering all workers separated on or after April 6, 1989.

TA-W-24,563; Top Line Cedar, Aberdeen, WA

A certification was issued covering all workers separated on or after June 12, 1989 and before August 1, 1990.

I hereby certify that the aforementioned determinations were issued during the month of August 1990. Copies of these determinations are available for inspection in room 6434, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213 during normal business hours or will be mailed to persons to write to the above address.

Dated: August 22, 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-20404 Filed 8-28-90; 8:45 am]

BILLING CODE 4510-30-M

Proposed Revised Policy on Use of Validity Generalization Aptitude Test Battery for Selection and Referral in Employment and Training Programs; Reopening and Extension of Commerce Period

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; reopening and extension of comment period.

SUMMARY: On July 24, 1990, the Employment and Training Administration (ETA) published in the **Federal Register** for notice and comment a proposed revised policy on the use of Validity Generalization-General Aptitude Test Battery (VG–GATB) for selection and refund purposes. 55 FR 30162. The proposed policy decision would be to discontinue use of the GATB, and all State employment service (ES) or commercial tests which have adapted the GATB in part or in whole, for use in the selection, referral, and counseling of ES registrants of Job Training Partnership Act (JTPA) program participants (however, use for counseling, where the registrant or participant voluntarily agrees to its use, would be permitted). The proposed policy, if adopted, will be published in the **Federal Register** and also transmitted by Training and Employment Guidance Letter to the employment and training system (*eg.*, State ES agencies and recipients of JTPA funds).

ETA has received a number of comments requesting additional time to study and comment on the proposed policy, and has determined to reopen and extend the comment period through September 24, 1990.

DATES: The comment period on the proposed policy published at 55 FR 30162–30164 (July 24, 1990) is reopened and comments are invited, to be received by September 24, 1990.

ADDRESSES: Comments shall be mailed to Roberts T. Jones, Assistant Secretary of Labor, Employment and Training Administration, U.S. Department of Labor, room N–4470, Washington, DC 20210, Attention: Director, U.S. Employment Service.

FOR FURTHER INFORMATION CONTACT: Robert A. Schaerfl, Director, U.S. Employment Service, Employment and Training Administration. Telephone: (202) 535–0157 (this is not a toll-free number).

Signed at Washington, DC, this 23rd day of August 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

[FR Doc. 90-20323 Filed 8-28-90; 8:45 am]

BILLING CODE 4510-30-M

[Training and Employment Guidance Letter (TEGL) No. 8-89]

Job Training Partnership Act; Stewart B. McKinney Homeless Assistance Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of training and employment guidance letter.

SUMMARY: The Department is announcing a Training and Employment Guidance Letter to clarify the eligibility requirement for homeless individuals under the Job Training Partnership Act (JTPA).

EFFECTIVE DATE: June 26, 1990.

FOR FURTHER INFORMATION CONTACT: Hugh Davies, Acting Director, Office of Employment and Training Programs or Lisa B. Stuart at Telephone (202) 535–0580.

SUPPLEMENTARY INFORMATION: The Stewart B. McKinney Homeless Assistance Act (McKinney Act) amended JTPA to include "homeless individuals" who qualify under section 103 of the McKinney Act to the list of those who meet the criterion of economically disadvantaged and are, therefore, eligible for services under JTPA. However, section 103(b) of the McKinney Act provides that a homeless individual is eligible only if the individual complies with the income eligibility requirements otherwise applicable. The inclusion of section 103(b) in the JTPA definition creates an apparent contradiction—the amendment to JTPA states that if individuals are homeless, they are eligible, but the basic McKinney Act eligibility criteria include only those who were previously eligible without the benefit of a JTPA homeless criteria. In order to alleviate the confusion, the Department is interpreting the JTPA amendment to allow homeless individuals to be assumed income eligible for JTPA, unless shown otherwise.

Signed at Washington, DC, the 15 of August 1990.

Dolores Battle,

Administrator, Office of Job Training Programs.

APPENDIX

Training and Employment Guidance Letter No. 8–89

FROM: Roberts T. Jones, Assistant Secretary of Labor.

SUBJECT: Stewart B. McKinney Homeless Assistance Act.

1. *Purpose.* To provide the Job Training Partnership Act (JTPA) system with guidance on the eligibility of homeless individuals for the JTPA programs.

2. *Reference.* Training and Employment Information Notice No. 21–87, Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77), and JTPA section 4(8)(D).

3. *Background.* The "McKinney Act" amended section 4(8) of the JTPA by expanding the definition of the term economically disadvantaged to include the homless. At JTPA section 4(8)(D), as amended by the McKinney Act, one of the definitions of the term "economically disadvantaged" is an individual who "qualifies as a homeless individual under section 103 of the Stewart B. McKinney Homeless Assistance Act". This would appear to make homeless individuals automatically eligible for JTPA programs. Confusion has arisen, however, in determining eligibility because the McKinney Act seems to contradict the amendment to JTPA. Sections 103 (a) and (c) of the McKinney Act provide:

(a) In General.—For purposes of the Act, the term "homeless" or "homeless individual" includes—

(1) An individual who lacks a fixed, regular, and adequate nighttime residence; and

(2) An individual who has a primary nighttime residence that is (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodation (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

* * * * *

(c) Exclusion.—For purposes of this Act, the term "homeless" or "homeless individual" does not include any

individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

Section 103(b) causes the conflict by requiring that a:

homeless individual shall be eligible for assistance under any program provided by this Act, or by the amendments made by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

The inclusion of section 103(b) in the JTPA definition would create an apparent contradiction within JTPA. Section 103(a) makes all homeless persons eligible, but section 103(b) then limits eligibility to include only those who were previously eligible without the benefit of a JTPA homeless criteria. In an attempt to eliminate confusion and increase consistency across programs, the Department is providing below an interpretation of the McKinney Act's sections on homeless eligibility.

4. *Policy Interpretation.* Although data on homeless individuals' income is often difficult to obtain, Congresss clearly intended that homeless individuals be served by JTPA programs. However, if Congress intended to have each homeless individual certified economically disadvantaged according to the criteria at 4(8) (A) through (F), then the addition of homeless individuals at section 4(8)(D) of JTPA would become meaningless. Therefore, in order to facilitate service to these individuals, and to promote what we believe was the intended purpose of the amendment, the Department is providing the following, which it believes represents a "best" interpretation of the provisions of the McKinney Act, as they pertain to eligibility for JTPA programs:

A homeless individual who meets the criteria of sections 103(a) and (c) of the Stewart B. McKinney Homeless Assistance Act is presumed to be economically disadvantaged for purposes of eligibility under the JTPA unless demonstrated otherwise.

The Department would not find such an interpretation adopted by the Governor to be inconsistent with the JTPA.

5. *Action Required.* States are asked to review their current policy and to take appropriate action to be consistent with the Department's interpretation.

6. *Inquiries.* Questions may be addressed to Hugh Davies, Acting Director, Office of Employment and Training Programs, at (202) 535–0580.

[FR Doc. 90–20405 Filed 8–28–90; 8:45 am]

BILLING CODE 4510–30–M

Job Training Partnership Act; Native American Programs' Advisory Committee; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and section 401(h)(1) of the Job Training Partnership Act, as amended (29 U.S.C. 1671(h)(1)), notice is hereby given of a meeting of the Job Training Partnership Act Native American Programs' Advisory Committee. The meeting will be chaired by Mr. Eddie L. Tullis, Chairperson of the Committee. Mr. Tullis is the Chairman and Chief Executive Officer of the Poarch Band Tribal Council.

Time and date: The meeting will begin at 9 a.m. on October 24, 1990, and continue until close of business that day; and will reconvene at 9 a.m. on October 25, 1990, and adjourn at 12 p.m. that day. The final hour of the meeting on October 25 will be reserved for participation and presentation by members of the public.

Place: Department of Labor, 200 Constitution Avenue, NW., rooms N–3437 A, B and C, Washington, DC.

Status: The meeting will be open to the public.

Matters to be considered: The agenda will focus on the review of recommendations from the second Committee meeting, reports from the three subcommittees and discussion of performance standards concerns for Program Years 1991 and 1992.

Contact person for more information: Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, United States Department of Labor, room N–4641, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–535–0500 (this is not a toll-free number).

Signed at Washington, DC this 20 day of August, 1990.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

[FR Doc. 90–20406 Filed 8–28–90; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

AMAX Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

AMAX Coal Company, 20 NW First Street, Evansville, Indiana 47708, has filed a petition to modify the application of 30 CFR 77.500 (Electric power circuits and electric equipment; deenergization) to its Ayrshire Mine (I.D. No. 12–01031) located in Warrick County, Indiana; its Chinook Mine (I.D. No. 12–00322) located in Clay County, Indiana; its Delta Mine (I.D. No. 11–00625) located in Williamson County, Illinois; and its Minnehaha Mine (I.D. No. 12–00332) located in Sullivan County, Indiana. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that power circuits and electric equipment be deenergized before work is done on such circuits and equipment, except when necessary for troubleshooting or testing.

2. As an alternate method, petitioner proposes to allow the handstoning of motor commutators while the motor is energized for the purpose of providing movement to the commutator to accomplish the stoning.

3. In support of this request, petitioner states that—

(a) Handstoning of motor commutators for the purpose of making field repairs in any other manner would result in a diminution of safety to the miners;

(b) Worker safety would be jeopardized by the increased hazards inherent in the removal of large motors for repair;

(c) Petitioner would train and instruct mining personnel in the procedure for stoning energized motors; and

(d) The proposed alternate method would provide the same or a greater degree of safety as that afforded by the standard and would not result in a diminution of safety.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 28, 1990. Copies of the petition are available for inspection at that address.

Dated: August 23, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90–20407 Filed 8–28–90; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M-90-118-C]

Buchanan Ingersoll Professional Corp.; Petition for Modification of Application of Mandatory Safety Standard

Buchanan Ingersoll Professional Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15219, has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 84 Mine (I.D. No. 36-00959) located in Washington County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that aircourses be examined in their entirety on a weekly basis.

2. Due to roof falls and adverse conditions, certain areas of the mine cannot be safely traveled.

3. As an alternate method, petitioner proposes to establish methane monitoring stations at designated locations.

4. In support of this request, petitioner states that—

(a) Methane and air readings would be made weekly at these stations by certified persons and methane would not be allowed to accumulate beyond legal limits;

(b) A date board would be located at each measuring station;

(c) Access to and from the measuring stations would be kept in a travelable and safe condition; and

(d) A record of examinations would be maintained in an official book on the surface.

5. Petitioner states that the proposed alternate method would provide no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 28, 1990. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-20408 Filed 8-29-90; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (90-68)]

Availability of Supplemental Final Environmental Impact Statement

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of supplemental final environmental impact statement.

SUMMARY: Notice is hereby given of the public availability of the Supplemental Final Environmental Impact Statement (SFEIS) for the Space Shuttle Advanced Solid Rocket Motor (ASRM) Program. This document addresses additional studies on the potential for health and environmental impacts associated with NASA's testing of the ASRM at Stennis Space Center in Mississippi. The initiation of these additional studies is due to the following factors: (1) The U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) agreed to use the same comprehensive procedures to identify and delineate wetlands, (2) EPA has given NASA further guidance on how best to simulate the exhaust plume from the ASRM testing through computer modeling that provides a more realistic analysis of emission impacts, and (3) concerns have been raised on short- and long-term impacts on human health and the environment from ASRM testing

The period of review on this document will extend for 45 days from the date of the Environmental Protection Agency's official Notice of Availability. All correspondence concerning this document should be forwarded to: National Aeronautics and Space Administration; Attn, GAOO/ Environmental Projects Officer, John C. Stennis Space Center, Stennis Space Center, Mississippi 39529-6000. All letters will be responded to on an individual basis.

Copies of the SFEIS have been furnished to the Council of Environmental Quality; the Tennessee Valley Authority; the U.S. Army Corps of Engineers; the EPA; the Departments of Agriculture, Air Force, Army, Commerce, Defense and Interior; to appropriate state and local agencies; and to numerous private organizations.

Copies of the SFEIS may be examined at any of the following locations:

(a) NASA Headquarters Information Center, National Aeronautics and Space Administration, Washington, DC 20546.

(b) NASA Information Center, Ames Research Center, Moffett Field, CA 94035.

(c) NASA Information Center, Dryden Flight Research Facility, P.O. Box 273, Edwards, CA 93523.

(d) NASA Information Center, Goddard Space Flight Center, Greenbelt, MD 20771.

(e) NASA Information Center, Johnson Space Center, Houston, TX 77058.

(f) NASA Information Center, Kennedy Space Center, FL 32899.

(g) NASA Information Center, Langley Research Center, Hampton, VA 23665.

(h) NASA Information Center, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

(i) NASA Information Center, Marshall Space Flight Center, Huntsville, AL 35812.

(j) NASA Information Center, Stennis Space Center, MS 39529.

(k) NASA Information Center (Jet Propulsion Laboratory), NASA Resident Office, 4800 Oak Grove Drive, Pasadena, CA 91109.

(l) NASA Information Center, Wallops Flight Facility, Wallops Island, VA 23337.

Dated: August 23, 1990.

C. Howard Robins, Jr.,

Associate Administrator for Management.

[FR Doc. 90-20276 Filed 8-28-90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is hereby given of a public meeting to be held in Room 131 of the Inn at Essex, Essex Junction, Vermont.

DATES: Tuesday, September 11, 1990, 8 a.m.-10 a.m.

Status: The meeting is to be open to the public.

Matters to be discussed: The purpose of this public meeting is to enable the Commission members to discuss progress on the research agenda, findings received from prior hearings, and budget and administrative matters.

FOR FURTHER INFORMATION CONTACT: Barbara C. McQuown, Director, National Commission for Employment Policy, 1522 K Street NW., Suite 300, Washington, DC 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established pursuant to Title IV-F of the Job Training Partnership Act (Pub. L. 97-300). The Act charges the

Commission with the broad responsibility of advising the President and the Congress on national employment issues. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Minutes of the meeting will be available for public inspection at the Commission's Headquarters, 1522 K Street, NW., Suite 300, Washington, DC 20005.

Due to vacation schedules, the Commission is unable to provide the full 15 days of advance notice of this meeting.

Signed at Washington, DC, this 23d day of August 1990.

Barbara C. McQuown,

Director, National Commission for Employment Policy.

[FR Doc. 90-20282 Filed 8-28-90; 8:45 am]

BILLING CODE 4510-23-M

NATIONAL SCIENCE FOUNDATION

Astronomical Sciences; Intent To Prepare an Environmental Impact Assessment

SUMMARY: The National Astronomy and Ionosphere Center (NAIC), a National Astronomy Center operated by Cornell University, Ithaca, New York, under a cooperative agreement with the National Science Foundation (NSF), is proposing to undertake a three-phase upgrade of the Arecibo 305-meter Radio Telescope located at the Arecibo Observatory. The Observatory, established in 1963, is owned by NSF and is located on a site of approximately 120 acres in Barrio Esperanza, Arecibo, Puerto Rico, at an approximate latitude of 18 degrees North and approximate longitude of 67 degrees West. The first phase will be the construction of a 60-foot slanted fence around the circumference of the 305-meter reflector. The fence will be constructed of wire mesh and will entail site preparation for structural supports and cable back-stays. The second phase will be the construction of an improved radio feed system on a platform above the reflecting surface. This will involve supporting a radome and reflecting surfaces on an existing 600-ton platform suspended 426 feet above the 305-meter main reflector as well as reinforcing the existing stays that support the suspended platform in order to compensate for the additional weight of the radome and reflecting surfaces. The third phase will be the replacement of the existing S-band (2.38 GHz) radar system with a 1 Megawatt S-band system. The proposed system will radiate approximately twice the energy of the present system. NSF will prepare an Environmental Impact Assessment prior to the beginning of construction. All interested Federal, state, and local agencies and private organizations are invited to submit, by September 30, 1990, comments and/or requests for further information on the proposed construction.

Address and Point of Contact: National Science Foundation, 1800 G Street NW., Washington, DC 20550, ATTN: Dr. Julian Shedlovsky (202/357-9752).

Dated: July 31, 1990.

David A. Sanchez,

Assistant Director, Directorate for Mathematics and Physical Sciences, National Science Foundation.

[FR Doc. 90-20310 Filed 8-28-90; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

Consumers Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 55.45(b)(2)(ii) to the Consumers Power Company (the licensee) for the Big Rock Point Plant (Big Rock Point) located in Charlevoix County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The exemption would grant schedular relief until May 26, 1991, from the requirements of 10 CFR 55.45(b)(2)(ii) which requires submittal of an application for use of a simulation facility not later than 42 months after the effective date of the rule. As part of the application, 10 CFR 55.45(b)(4)(i)(C) requires that the application include a description of the performance tests and the results of such tests. The exemption is administrative since only schedular relief would be granted from the requirement to provide the description of the performance tests and the results of the test.

The proposed action is in accordance with the licensee's application for exemption dated April 4, 1990.

The Need for the Proposed Action

An application for use of a simulator facility is required to be submitted by November 26, 1990 by 10 CFR 55.45(b)(2)(ii). Because of contractual agreements with its supplier, which provide for delivery of a "RETACT (Real—Time Advanced Core and Thermohydraulic Code) Work Station" during November 1990, the performance testing specified by 10 CFR 55.45(b)(4)(i)(C) cannot be accomplished until after receipt, installation, and acceptance testing of the RETACT work station.

The proposed exemption is needed in order to grant temporary schedular relief until May 26, 1991, for submittal of the "performance tests requirements" of the application.

Environmental Impacts of the Proposed Action

The proposed exemption to grant temporary schedular relief is completely administrative in nature. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

It has been concluded that the environmental effects of the proposed exemption are negligible; therefore, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of resources beyond the scope of resources used during normal plant operation.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to

prepare an environmental impact statement for the proposed exemption.

For further details with respect to the proposed action, see the licensee's letter dated April 4, 1990, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Dated at Rockville, Maryland this 21st day of August 1990.

For the Nuclear Regulatory Commission.

Robert C. Pierson,

Director, Project Directorate III-1 Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-20374 Filed 8-28-90; 8:45 am]

BILLING CODE 7590-01-M

GPU Nuclear Corp. and Jersey Central Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

[Docket No. 50-219]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of schedular and permanent exemptions from the requirements of 10 CFR part 50, appendix J to the GPU Nuclear Corporation and Jersey Central Power & Light Company (GPUN or the licensee) for the Oyster Creek Nuclear Generating Station located at the licensee's site in Ocean County, New Jersey.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant schedular exemptions from 10 CFR part 50, Appendix J for the requirements of section III.D.2(a), Type B test, and section III.D.3, Type C test. The proposed action is in accordance with the licensee's request for exemption dated March 2, 1990.

The Need for the Proposed Action

One of the conditions of all operating licenses for water-cooled power reactors, as specified in 10 CFR 50.54(o), is that primary reactor containments shall meet the containment leakage test requirements set forth in 10 CFR part 50, appendix J.

The licensee has proposed the requested exemptions because performing the Type B and C test as required by appendix J would require a reactor shutdown prior to the next refueling outage.

Environmental Impacts of the Proposed Action

The proposed exemptions would postpone the Type B and C test approximately 4 months. The NRC staff has reviewed the proposed exemptions and concluded the extension of the test period for the Type B and C test will not compromise containment integrity. This conclusion is based on the finding that leakage characteristics of the penetrations and valves in question would not be expected to degrade significantly during the period of the requested extension, which is short in comparison with the 2-year test interval specified in 10 CFR part 50, appendix J.

Thus, radiological releases will not differ from those determined previously and the proposed exemptions do not otherwide affect facility radiological effluent or occupational exposures. With regard to potential nonradiological impacts, the proposed exemptions do not affect plant nonradiological effluents and have no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemptions.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemptions, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the schedular exemptions would be to deny the exemptions requested. Such action would not enhance the protection of the environment and would result in an additional thermal cycle for the plant, as well as the potential environmental impact of a winter shutdown.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Oyster Creek Nuclear Generating Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

For further details with respect to this proposed action, see the licensee's letter dated March 2, 1990. This letter is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland this 14th day of August, 1990.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-20375 Filed 8-28-90; 845 am]

BILLING CODE 7590-01-M

Texas Utilities Electric Co.; Withdrawal of Petition Under 10 CFR 2.206

[Docket No. 50-445A]

On May 12, 1989, pursuant to 10 CFR § 2.206, Cap Rock Electric Cooperative, Inc. (Cap Rock) filed a "Request for Enforcement and Modification of Antitrust License Conditions" with the Executive Director for Operations Notice of Receipt of Petition for Director's Decision under 10 CFR 2.206 was published on August 7, 1989 (54 FR 32401). Cap Rock petitioned the Nuclear Regulatory Commission (Commission) staff to require Texas Utilities Electric Company (TU) to make certain services available that Cap Rock alleged were provided by the antitrust license conditions for the Comanche Peak Steam Electric Station, Unit 1.

On June 21, 1990, Cap Rock and TU resolved their differences in this dispute, and on June 28, 1990, Cap Rock moved to withdraw its 2.206 petition. The Commission staff has accepted Cap Rock's request to withdraw its petition. Because this matter involves no pending health and safety concerns and the settlement appears to be in the public interest, the staff will take no further action in this matter.

Dated at Rockville, Maryland, this 22nd day of August 1990.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 90-20376 Filed 8-28-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-7 (50-255)]

Consumers Powers Co.; Withdrawal of Application for a Materials License for the Storage of Spent Fuel

Pursuant to 10 CFR 2.107, the U.S. Nuclear Regulatory Commission (the Commission) has granted without prejudice to further applications, the request of Consumers Power Company (the applicant or CPCo) to withdraw its March 12, 1990, application for a materials license, under the provisions of 10 CFR part 72, to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Van Buren County, Michigan.

The proposed license would have authorized the applicant to store spent fuel in a dry storage concrete casks at the applicant's Palisades Nuclear Plants site (Operating License DPR-20.).

The Commission had previously issued a notice of Receipt and Availability of Application published in the **Federal Register** on April 19, 1990, (55 FR 14886) and issued a Notice of Opportunity for a Hearing published in the **Federal Register** on July 13, 1990 (55 FR 28353).

For further details with respect to this action, see the license application dated March 12, 1990, and the applicant's letters of August 18, And August 21, 1990, which withdrew the license application. The above documents are available, under Document Number 72-7, for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Local Public Document Room at the Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 22nd day of August 1990.

For the U.S. Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 90-20377 Filed 8-28-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 141 to Facility Operating License No. DPR-16 issued to GPU Nuclear Corporation (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to accommodate implementation of a 21 month operating cycle with a 3 month outage, or a 24 month plant refueling cycle for those Technical Specification surveillances which will expire prior to the currently scheduled 13R refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on June 5, 1990 (55 FR 22977). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated May 4, 1990, (2) Amendment No. 141 to License No. DPR-16, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC and at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland this 20th day of August 1990.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick, Sr.

Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-20373 Filed 8-28-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 72-9, 50-267]

Public Service Company of Colorado; Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering an application dated June 22, 1990, for a materials license, under the provisions of 10 CFR part 72, from Public Service Company of Colorado (the applicant or PSC) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Weld County, Colorado. If granted, the license will authorize the applicant to store spent fuel in modular vault dry storage at an ISFSI at the applicant's Fort St. Vrain site (Operating License DPR-34). Pursuant to the provisions of 10 CFR part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to issuance of the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the materials license will not be approved until the Commission has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental evaluation, in accordance with 10 CFR part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and Finding of No Significant Impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register.**

Pursuant to 10 CFR 2.105 and 2.1107, by September 28, 1990, the licensee may file a request for a hearing; and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the subject materials

license in accordance with the provisions of 10 CFR 2.714. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without requesting leave of the Board up to 15 days prior to the holding of the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law of fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfied these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram identification Number 3737 and the following message addressed to Richard E. Cunningham, Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to James K. Tarpey, Esq., Kelly, Stansfield and O'Donnell, 900 Public Service Company Building, 550 15th Street, Denver, Colorado 80202, attorney for the applicant.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) 2.714(d).

The Commission hereby provides notice that this proceeding concerns an application for a license falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any petitioner or any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors," (published at 50 FR 41662, October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G, and § 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further details with respect to this action, see the application dated June 22, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room at the Greeley Public Library, City Complex Building, Greeley, Colorado, 80631. The Commission's license and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Rockville, Maryland, this 22nd day of August 1990.

For the Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Fuel Cycle Safety Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 90-20378 Filed 8-28-90; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

August 23, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12 (f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

BJ Services Co.
Common Stock, $.10 Par Value (File No. 7-6081)
Live Entertainment, Inc.
Common Stock, $.01 Par Value (File No. 7-6082)
Tecogen, Inc.
Common Stock, $.10 Par Value (File No. 7-6083)
Universal Voltronics Corp.
Common Stock, $.05 Par Value (File No. 7-6084)
Resurgens Communications Group, Inc.
Common Stock, $.01 Par Value (File No. 7-6085)
Crawford & Company
Class A Common Stock, $1 Par Value (File No. 7-6086)
Crawford & Company
Class B Common Stock, $1 Par Value (File No. 7-6087)
Northeast Federal Corp.
Common Stock, $.01 Par Value (File No. 7-6088)
Northeast Federal Corp.
$2.25 Preferred Stock, Series A, $.01 Par Value (File No. 7-6089)
Ameriscribe Corporation
Common Stock, $.01 Par Value (File No. 7-6090)
Patriot Select Dividend Trust
Common Stock, No Par Value (File No. 7-6091)
Latin America Investment Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-6092)
Offshore Pipelines, Inc.
Common Stock, $.01 Par Value (File No. 7-6093)
Singapore Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-6094)
Banner Aerospace, Inc.
Common Stock, $1 Par Value (File No. 7-6095)
Howtek, Inc.
Common Stock, $.01 Par Value (File No. 7-6096)
Unocal Exploration Corporation
Common Stock, No Par Value (File No. 7-6097)
Belmac Corporation
Common Stock, $.02 Par Value (File No. 7-6098)
Greenery Rehabilitation Group, Inc.
Common Stock, $.01 Par Value (File No. 7-6099)
Vintage Petroleum, Inc.
Common Stock, $.005 Par Value (File No. 7-6100)
Intellicall, Inc.
Common Stock, $.01 Par Value (File No. 7-6101)
Church & Dwight Co., Inc.
Common Stock, $1 Par Value (File No. 7-6102)
Mexico Equity & Income Fund, Inc.
Common Stock, $.001 Par Value (File No. 7-6103)
NS Group, Inc.
Common Stock, Without Par Value (File No. 7-6104)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 14, 1990, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450, Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-20361 Filed 8-28-90; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9733]

Issuer Delisting; Application To Withdraw From Listing and Registration; Cash America Investments, Inc., Common Stock, $.10 Par Value

August 23, 1990.

Cash America Investments, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company's common stock recently was listed on the New York Stock Exchange ("NYSE"). Trading in the Company's stock on the NYSE commenced on August 24, 1990 and concurrently such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the AMEX, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and the AMEX. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before September 14, 1990, submit by letter to the Secretary of the Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-20359 Filed 8-28-90; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9858]

Issuer Delisting; Application To Withdraw From Listing; Community National Bancorp, Inc.

August 23, 1990.

In the matter of Issuer Delisting; Notice of Application to Withdraw from Listing; Community National Bancorp, Inc., Common Stock, $.01 Par Value; Common Stock Purchase Warrants expiring 1996; 11% Subordinated Notes due 1999; Units, each unit consisting of a Note in the principal amount of $1,000 and 119 Warrants (the "New Units"); Units, each unit consisting of one share of Common Stock and ¼ share of Adjustable Rate Dividend Preferred Stock, Par Value $10.00 per share (the "Old Units") (File No. 1-9858)

Community National Bancorp, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder to withdraw the above specified securities from listing and registration on the Boston Stock Exchange ("BSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

The Common Stock, Warrants, Notes, and New Units have been recently listed on the AMEX and the Company has determined that the expense of maintaining a listing of these securities on more than one exchange is not justified. Therefore, the Company is applying to withdraw these securities from listing and registration on the BSE.

The Company is also applying to withdraw the Old Units from listing and registration on the BSE. On November 13, 1989, the securities included in the Old Units were permitted to trade separately. In connection with a previous exchange offer, holders of shares of Preferred Stock were offered the opportunity to exchange such shares for shares of Common Stock. As a result of such exchange offer, only 3,587 shares of Preferred Stock remain outstanding. Given the inactive trading market in the Old Units and the fact that the Common Stock included in the Old Units is listed on the AMEX, the Company determined that the expense of continuing a listing for the Old Units on the BSE is not justified.

Any interested person may, on or before September 14, 1990, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-20362 Filed 8-28-90; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9533]

Issuer Delisting; Application To Withdraw From Listing and Registration; International Recovery Corp., Common Stock, $.01 Par Value

August 23, 1990.

International Recovery Corp. ("Company") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company's common stock recently was listed on the New York Stock Exchange ("NYSE"). Trading in the Company's stock on the NYSE commenced on July 30, 1990 and concurrently such stock was suspended from trading in the Amex. In making the decision to withdraw its common stock from listing on the AMEX, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and the AMEX. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before September 14, 1990, submit by letter to the Secretary of the Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-20360 Filed 8-28-90; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application Number: 09/09-5389]

Phoenix Capital, Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company (SBIC) under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661, *et seq.*) has been filed by Phoenix Capital, Inc. (Applicant), 3350 Wilshire Boulevard, suite 955, Los Angeles, California 90010, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1989).

The proposed officers, directors, and owner of the Applicant are as follows:

Name, address, and position	Percentage of ownership
Suck Chang Yoon, 20648 Horace Street, Chatsworth, CA 91311, President/Director	100
Daniel Dong Ho Chough, 130 N. Stanley Drive, Beverly Hills, CA 90211, General Manager/Director	0
O Jung Yoon, 20648 Horace Street, Chatsworth, CA 91311, Director	0

The Applicant proposes to begin operations with a capitalization of $1,000,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns.

The Applicant intends to conduct its business primarily in the State of California.

As a small business investment company under section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act and will provide assistance solely to small concerns which will contribute to a well balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the applicant under their management including profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, no later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication shall be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this notice will be published in a newspaper of general circulation in the Southern and Northern California areas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: August 23, 1990.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 90-20275 Filed 8-28-90; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[No. 1251]

Advisory Committee to United States Section, International North Pacific Fisheries Commission; Partially Closed Meeting

The Advisory Committee to the United States Section, International North Pacific Fisheries Commission, will meet on September 27, 1990, at the Sheraton Anchorage Hotel, Yukon Room, Anchorage, Alaska, at 7 p.m. This session will discuss the Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, surveillance of foreign fishing fleets, the progress of fisheries research, the Alaska salmon fisheries, and fishery developments as they affect the International North Pacific Fisheries Commission. The session will be open to the public.

The Advisory Committee will also meet at 2 p.m. on September 28, 1990. These sessions will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States' negotiating position to be taken at the 36th Annual Meeting of the International North Pacific Fisheries Commission to be held in Vancouver, BC, November 6–9, 1990. Pursuant to section 4(c) of the North Pacific Fisheries Act of 1954, as amended, 16 U.S.C. 1023(c) which provides that the "advisory committee * * * shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section", the members of the Advisory Committee will examine various options for the negotiating position at the Special Meeting, and these considerations must necessarily involve review of classified matters. Accordingly, the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, section 10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. George Herrfurth, Senior Pacific Fisheries Officer, OES/OFA Room 5806, U.S. Department of State, Washington, DC 20520. Mr. Herrfurth can be reached by telephone on (202) 647–2009.

Dated: August 20, 1990.

David A. Colson,

Deputy Assistant Secretary, Oceans and Fisheries Affairs.

[FR Doc. 90-20302 Filed 8-28-90; 8:45 am]

BILLING CODE 4710-07-M

[No. 1252]

The U.S. Organization for the International Telegraph and Telephone Consultative Committee CCITT Study Group A; Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 6, 1990, from 10 a.m. to 5 p.m. in the Department of State, room 1205, at 2201 C Street, NW., Washington DC. The morning session (10 a.m. to 1 p.m.) agenda will include issues related to the activities of Study Groups I, II and III, with the afternoon session (1:30 to 5 p.m.) dealing with U.S. preparations for the upcoming meeting of resolution 18 of the CCITT.

The Group A deals with international telecommunications policy and services.

The purpose of the meeting will be the continuation of preparations for (1) the September 10–14 meeting of CCITT ad hoc Group for Resolution 18; (2) the October 30–9 November meeting of Study Group I, and (3) the November 13–22 meeting of Study Group III, all scheduled for Geneva.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and individual building passes are required for each attendee. Entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl S. Barbely, State Department, Washington, DC; telephone 202–647–5220. All attendees must use the C Street entrance to the building.

Dated: August 8, 1990.

Earl S. Barbely,

Director, Telecommunications and Information Standards; Chairman, U.S. CCITT National Committee.

[FR Doc. 90-20301 Filed 8-28-90; 8:45 am]

BILLING CODE 4710-07-M

[No.1247]

U.S. Organizations for the International Consultative Committees on Radio (CCIR) and Telegraph and Telephone (CCITT); Meeting

The Department of State announces that there will be a joint meeting of the National Committees of the International Radio Consultative Committee (CCIR) and the International Telegraph and Telephone Consultative Committee (CCITT) on September 20, 1990 from 10 a.m. to 1 p.m. in room 1105, Department of State, 2201 C Street N.W., Washington DC.

The National Committees provide advice on matters of policy and positions in preparation for the respective Plenary Assemblies and international Study Groups meetings, as well as on a broad range of matters relating to the International Telecommunication Union (ITU) in general.

The purpose of this joint CCIR/CCITT meeting will be to discuss the United States activities relating to the ITU's standardization efforts on the subject of Universal Personal Telecommunications and Future Public Land Mobile Telecommunications Systems.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department if State building is controlled and individual building passes are required for each attendee. Entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of

Mr. Earl Barbely, State Department, Washington, DC, telephone (202) 647–5220. All attendees must use the C Street entrance to the building.

Dated: August 21, 1990.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

Warren Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 90–20300 Filed 8–28–90; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the National Motor Carrier Advisory Committee will hold its next regularly scheduled meeting on September 11, 1990, at the United States Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, DC 20590. The meeting will begin at 8:30 a.m. in room 2230 and is open to the public.

Topics to be discussed include the diesel fuel situation, the National Transportation Policy, motor carrier research, truck size and weight, and drug testing.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas J. McKelvey, Federal Highway Administration, HIA–20, room 3104, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–1861. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for legal holidays.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: August 22, 1990.

T.D. Larson,

Administrator.

[FR Doc. 90–20312 Filed 8–28–90; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

August 23, 1990.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Tresury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB number: New.
Form number: IRS Form 8824.
Type of review: New collection.
Title: Like-Kind Exchanges.
Description: Form 8824 is used by individuals, corporations, partnerships, and other entities to report the exchange of business or investment property, and the deferral of gains from such transactions under section 1031. It is also used to report the deferral of gain under section 1043 by members of the executive branch of the Federal government.
Respondents: Individuals or household, Businesses or other for-profit.
Estimated number of respondents/recordkeepers: 200,000.
Estimated burden hours per respondent/recordkeeper:

Recordkeeping—27 minutes
Learning about the law or the form—17 minutes
Preparing the form—52 minutes
Copying, assembling, and sending the form to IRS—27 minutes

Frequency of response: Annually.
Estimated total reporting/recordkeeping burden: 301,902 hours
Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90–20363 Filed 8–28–90; 8:45 am]

BILLING CODE 4830–01–M

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date of the next meeting and the tentative agenda for consideration by the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service.

DATES: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on Friday, September 21, 1990 at 9:30 a.m. in Room 4121 of the Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Director, Office of Trade and Tariff Affairs, Office of the Assistant Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Telelephone (202) 566–8435.

SUPPLEMENTARY INFORMATION: Tentative agenda items for the eighth meeting of the Treasury Advisory Committee on Commercial Operations of the the U.S. Customs Service on September 21, 1990 will include:

I. Old Business

1. Status of renewal of the Advisory Committee for an additional two-year term.
2. Update on user fee legislation.
3. Customs Modernization Act.

II. New Business

1. Implementation of the Mini-Trade Bill, H.R. 1594, extending the Caribbean Basin Initiative (CBI).
2. Possible development of a system of consolidated periodic or annual filings of entries by importers in lieu of individual entries.
3. Proposed Foreign Trade Zone regulations.
4. Annual report for the second year of Committee operations.

The meeting is open to the public. Owing to the security procedures in place at the Treasury Building, it is necessary for any person other than an Advisory Committee member who wishes to attend the meeting to give advance notice. In order to be admitted to the building to attend the meeting, contact Dennis M. O'Connell at (202) 566–8435, no later than Friday, September 14, 1990.

Dated: August 23, 1990.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 90–20291 Filed 8–28–90; 8:45 am]

BILLING CODE 4810–25–M

Internal Revenue Service

1991 Magnetic Tape Filing; Forms 1040NR and 1041, Income Taxes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Form 1041—Fiduciary; Form 1040NR—Individuals; magnetic tape filing.

SUMMARY: The Internal Revenue Service will again conduct programs during the 1991 filing period for Forms 1040NR (U.S. Nonresident Alien Income Tax Return) and Forms 1041 (U.S. Fiduciary Income Tax Return) to be filed via magnetic tape. These programs are available without geographic limitation, although all processing is centralized at the Internal Revenue Service Center in Philadelphia, Pennsylvania. Participants must have secured prior authorization from the Internal Revenue Service (IRS). Interested parties can obtain copies of the draft Revenue Procedures by writing or calling the IRS. Comments on the program are welcome.

DATES: Applications to participate can be submitted year round.

ADDRESSES: Internal Revenue Service, Philadelphia Service Center, Magnetic Media Office, D.P. 115, 11601 Roosevelt Blvd., Philadelphia, PA 19155. Telephone: 215–969–7533 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Internal Revenue Service is receiving an increasing number of computer prepared returns, and is exploring methods to use the flexibility provided by computer preparation to achieve efficiencies of processing. Magnetic tape filing eliminates most of the manual processes required by IRS to handle paper documents, which will increase the quality of the final product, speed up the processing and reduce unnecessary correspondence.

Generally, the Revenue Procedures will call for the filing of returns on magnetic tape of all the data currently supplied on the paper return, including those schedules and forms which usually accompany the return. Additionally, filers will be required to send to the IRS a separate form with certain key information from the return and the signatures of the taxpayer and preparer. A consolidated form can be used to enable the preparers/filers to transmit the required information covering multiple returns with a single set of signatures.

Joseph H. Cloonan,

Director, Philadelphia Service Center.

[FR Doc. 90–20273 Filed 8–28–90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This documents lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (23), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by September 28, 1990.

Dated: August 22, 1990.

By direction of the Secretary.

Kenneth H. Hoffmann,

Director, Policy and Standards Service.

Extension

1. Veterans Benefits Administration.
2. Request for Determination of Eligibility and Available Loan Guaranty Entitlement.
3. VA Form Letter 26–567.
4. The form is used to establish eligibility for Loan Guaranty benefits, request restoration of entitlement previously used, or request a duplicate Certificate of Eligibility due to the original being lost or stolen. The information is used to establish eligibility for such benefits.
5. On occasion.
6. Individuals or households.
7. 400,700 responses.
8. ¼ hour.
9. Not applicable.

[FR Doc. 90–20329 Filed 8–28–90; 8:45 am]

BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, VA Clearance Officer (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233–3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by September 28, 1990.

Dated: August 22, 1990.

By direction of the Secretary.

Kenneth H. Hoffman,

Director, Policy and Standards Service.

Extension

1. National Cemetery System.
2. Request for Disinterment.
3. VA Form 40–4970.

4. The form is used in lieu of a court-order to request the removal of remains from a national cemetery. The information is used to either approve or disapprove the disinterment request.
5. On occasion.
6. Individuals or households.
7. 60 responses.
8. ⅙ hour.
9. Not applicable.

[FR Doc. 90-20330 Filed 8-28-90; 8:45 am]
BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (23), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by September 28, 1990.

Dated: August 22, 1990.

By direction of the Secretary.

Kenneth H. Hoffman,

Director, Policy and Standards Service.

Extension

1. Veterans Benefits Administration.
2. Application for Annual Clothing Allowance.
3. VA Form 21-8678.
4. The form is used to gather information required to determine that a veteran's service connected disability causes the wearing or use of a prosthetic or orthopedic appliance which tends to wear out or trear clothing. The information is used to determine if a veteran is entitled to a clothing allowance payment.
5. On occasion.
6. Individuals or households.
7. 6,720 responses.
8. 1/6 hour.
9. Not applicable.

[FR Doc. 90-20331 Filed 8-28-90; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 168
Wednesday, August 29, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10:00 a.m., Tuesday, September 4, 1990.

PLACE: Minister S. Eccles Federal Reserve Board Building, C Street entrance betweem 20th and 21st Streets, NW., Washington, DC 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 27, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

federal register

Wednesday
August 29, 1990

Part II

Department of the Treasury

Fiscal Service

31 CFR Part 321

Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares); Final Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 321

Payments by Banks and Other Financial Institutions of United States Savings Bonds and United States Savings Notes (Freedom Shares)

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The purpose of the Final Rule is to expand, through amendments of the governing regulations, the authority of paying agents to process redemption and redemption-exchange transactions of United States Savings Bonds. The changes are expected to reduce the number of such transactions forwarded to Federal Reserve Banks, thereby increasing efficiency and reducing costs. The new procedures will be optional, permitting paying agents to continue to forward transactions in accordance with current practice. In addition, the appendix has been amended to add information regarding the Education Savings Bond Program.

EFFECTIVE DATE: August 29, 1990.

FOR FURTHER INFORMATION CONTACT: Dean A. Adams, Assistant Chief Counsel, Public Debt, Parkersburg, West Virginia 26106–1328, (304) 420–6505.

SUPPLEMENTARY INFORMATION: The Final Rule will authorize, and revise procedures to permit, paying agents to redeem savings bonds and savings notes, referred to herein collectively as "bonds", for: (1) Legal representatives named in the registration of the bonds, upon the furnishing of appropriate identification; and (2) legal representatives of decedents' estates, upon presentation of evidence of appointment and death certificates of the bondowners. A legal representative has been defined as the court-appointed person, regardless of title, who is legally authorized to act for the estate of a minor, incompetent, aged person, absentee, *et al.;* the court-appointed executor or administrator, regardless of title, who is legally authorized to act for a decedent's estate; and the trustee of a personal trust estate. In addition, paying agents will be permitted to exchange savings bonds for legal representatives, excluding legal representatives of decedents' estates. The changes will expand the role of paying agents and further decrease the number of items which must be forwarded to Federal Reserve Banks, resulting in cost savings.

Payments to Legal Representatives Designated in the Registration

Since the savings bond program's inception in 1935, the governing regulations have permitted redemptions upon the certified requests of legal representatives, whether corporate entities or natural persons, designated in the bond registration by both name and title, e.g., "John Doe, Guardian of the Estate of Mary Doe, an incapacitated person", without evidence of appointment. However, the current regulations also require that such payments be made by a Federal Reserve Bank or Public Debt office. In such instances, the paying agent's duties in processing the redemption are limited to determining that: (1) The name and title signed in each request for payment are the same as those appearing in the registration; (2) all requests have been properly certified; (3) an appropriate taxpayer identifying number has been provided for on Form 1099–INT (or approved substitute); and (4) the bonds do not bear any material irregularities. The bonds are then forwarded to a Federal Reserve Bank or the Bureau of the Public Debt.

The Final Rule will permit paying agents to pay bonds at the request of legal representative(s) named in the registration. In doing so, paying agents are required to follow the procedure described above, to the extent applicable. In addition, they will require identification of presenters in accordance with Public Debt guidelines. They may also, however, continue to forward transactions to the Fiscal Agency Department of a Federal Reserve Bank in accordance with current practice. Payments requested by legal representatives, designated on bonds by name and title, are procedurally no different than payments requested by individuals in their own rights, and no greater standard of care is required.

Payments to Legal Representatives of Decedents' Estates

Agents may now also pay legal representatives of decedents' estates upon the presentation of appropriate evidence. Such evidence includes certified copies of death certificates to establish the date of death of the owner and or coowner(s), and evidence of appointment of the legal representative. Currently, paying agents routinely examine death certificates in redemptions of beneficiary bonds where the owner is deceased, and evidence of appointment of legal representatives in many types of transactions. The amendments should not, therefore, prove burdensome.

Redemption-Exchange for Legal Representatives, Excluding Representatives of Decedents' Estates

The Final Rule will permit paying agents to process redemption-exchanges for legal representatives, excluding legal representatives of decedents' estates.

Specific changes are detailed below:

1. Section 321.1(f) defines the term "legal representative". Previous paragraphs (f) through (o) are redesignated (g) through (p).

2. Section 321.1(q) defines the term "taxpayer identifying number".

3. Section 321.3(a) adds a reference to the fact that paying agents are covered by the Privacy Act.

4. Section 321.7(e) authorizes the optional payment to a legal representative designated on a security by name and title and sets out the requirements therefor.

5. Section 321.7(f) authorizes the optional payment to a legal representative of a decedent's estate not designated on a security, and sets out the procedural requirements therefor.

6. Section 321.7(g) has an added sentence referring the reader to the appendix for information about the educational savings feature of Series EE bonds.

7. Section 321.(b)(2) adds the legal representative, excluding a representative of a decedent's estate, to the category of presenters for whom an agent may accept and redeem eligible securities on exchange.

8. Section 321.8(b)(3) describes the procedures that must be followed when a legal representative requests a redemption-exchange.

9. Section 321.9 adds certain limitations on payment authority relating to legal representatives.

10. Section 321.10(a) adds legal representatives to the category of presenters for whom a paying agent may redeem securities.

11. Section 321.11 (d) and (e) set out evidentiary requirements that paying agents should observe in the redemptions of securities for legal representatives.

12. The appendix adds references to, and additional description of, changes with respect to legal representatives. Also, a section describing the Education Savings Bond Program is added in subpart G, paragraph 26.

Procedural Requirements

This rule is not considered a "major rule" as defined in Executive Order No. 12291, "Federal Regulation." A regulatory impact analysis, therefore, is not required.

Because this Final Rule relates to public contracts and procedures for United States securities, the notice, public comment and delayed effective date provisions of the Administrative Procedure Act are inapplicable, pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

There are no collections of information contained in these regulations; therefore, no approval by the Office of Management and Budget, pursuant to the Paperwork Reduction Act, is required.

List of Subjects in 31 CFR Part 321

Banks, Banking, Bonds, Government securities.

Dated: August 23, 1990.

Gerald Murphy,

Fiscal Assistant Secretary.

In 31 CFR chapter II, part 321 (Department of the Treasury Circular, Public Debt Series No. 750, Fourth Revision) is hereby amended as follows:

PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS OF UNITED STATES SAVINGS BONDS AND UNITED STATES SAVINGS NOTES (FREEDOM SHARES)

1. The authority citation for part 321 is revised to read as follows:

Authority: 31 U.S.C. 3105, 5 U.S.C. 301.

2. Section 321.1 is amended by revising paragraph (f), by redesignating paragraphs (g) through (o) as paragraphs (h) through (p) and revising the newly designated paragraphs, and by adding new paragraphs (g) and (q) to read as follows:

§ 321.1 Definitions.

* * * * *

(f) *Fiscal agency system* refers to the system by which paying agents transmit redeemed securities to the Fiscal Agency Department of the Federal Reserve Bank and receive settlement therefor.

(g) *Legal Representative* or *representative* means the court-appointed (or otherwise qualified) person, regardless of title, who is legally authorized to act for the estate of a minor, incompetent, aged person, absentee, *et al.*, the court-appointed executor or administrator, regardless of title, who is legally authorized to act for a decedent's estate; and the trustee of a personal trust estate.

(h) *Mixed cash letter* refers to a bundle containing nonsegregated redeemed securities, cash items, and other items submitted to a Federal Reserve Bank via the commercial check collection system.

(i) *Paying agent* or *agent* means:

(1) A financial institution that is qualified under the provisions of this part as originally issued, or any subsequent revision, to make payment of securities, and includes branches located within the United States, its territories and possessions, and the Commonwealth of Puerto Rico; and

(2) Any banking facilities of such institutions establishing at military installations overseas, provided the offering of such redemption services has been authorized by the Department of the Treasury.

(j) *Presenter* means the individual requesting the redemption or redemption-exchange of securities.

(k) *Presenting institution* means the organization from which the Federal Reserve Bank receives redeemed securities to be processed via EZ CLEAR. If a paying agent submits separately sorted or mixed cash letters directly to the Bank, using its own ABA code, it is the presenting institution. If a correspondent financial institution submits cash letters on behalf of another institution using the correspondent's ABA code, the correspondent is the presenting institution.

(l) *Redemption* and *payment* are used interchangeably for payment of a security in accordance with the terms of its offering and governing regulations, including redemption-exchange.

(m) *Redemption-exchange* means the authorized redemption of eligible securities for the purpose of applying the proceeds in payment for other securities offered in exchange by the Treasury.

(n) *Registrant* means a person whose name is inscribed on a security as owner, coowner, or beneficiary.

(o) *Security* means a United States Savings Bond of Series A, B, C, D, E, or EE and/or a United States Savings Note (Freedom Share).

(p) *Separately sorted cash letter* refers to a bundle of redeemed securities that have been segregated from all other items prior to transmittal to a Federal Reserve Bank via EZ CLEAR.

(q) *Taxpayer identifying number* means a social security account number or an employer identification number.

3. Section 321.3 is amended by revising paragraph (a) to read as follows:

§ 321.3 Procedure for qualifying and serving as paying agent.

(a) *Execution of application-agreement.* An eligible organization wishing to act as a paying agent shall obtain from, execute, and file with, a Federal Reserve Bank an application-agreement form. The terms of each application-agreement shall include a reference to the following provisions to which paying agents are subject:

(1) The provisions prescribed by section 202 of Executive Order 11246, entitled "Equal Employment Opportunity", as amended (42 U.S.C. 2000e note); and

(2) The provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), and regulations issued pursuant thereto (31 CFR part 1, subpart C).

For the purpose of these regulations, eligible institutions in Puerto Rico and the Virgin Islands shall make application to the Federal Reserve Bank of New York, and eligible institutions in Guam shall make application to the Federal Reserve Bank of San Francisco.

* * * * *

4. Section 321.7 is amended by changing the reference at the end of paragraph (a) from "§ 321.11(b)" to "§ 321.11(b)(1)", redesignating paragraph (e) as paragraph (g) and revising it, and

by adding new paragraphs (e) and (f) to read as follows:

§ 321.7 Authorized cash payments.

* * * * *

(e) *Payment to a legal representative designated on a security by name and title.* An agent may redeem a security registered in the name and title of a legal representative as defined in § 321.1(f), if the legal representative is known to the agent, or can establish identity in accordance with Treasury instructions and guidelines. The request for payment on the back of each security must be signed by the legal representative designated by name and title in the registration on the front of the security, or by a person authorized or empowered to act for a corporate legal representative so designated. The full title of the legal representative should be shown adjacent to each signature and, in the case of a corporate legal representative, the full corporate name, as well as the title, i.e., vice president, trust officer, etc., should be shown. Examples:

Henry C. Smith, conservator of the estate of John R. White, an adult, pursuant to Sec. 633.572 of the Iowa Code.

Tenth National Bank by Arnold A. Ames, Vice President, guardian of the estate of Barry B. Bryan, a minor.

(f) *Payment to a legal representative of a decedent's estate not designated on a security.* An agent may redeem a security bearing the names of deceased persons in the registration, if the legal representative of the estate of the last deceased registrant:

(1) Presents the security;

(2) Signs the request for payment on the back of the security, showing the representative's full title adjacent to the signature; and

(3) Presents acceptable evidence of the legal representative's appointment and of the dates of death of all persons named in the security's registration, in accordance with this part and the Appendix.

In the case of a corporate legal representative, the full corporate name, as well as the title, must be shown. Examples:

John H. Smith and Charles N. Jones, co-executors of the will of Robert J. Smith, deceased.

Tenth National Bank by John F. Green, Trust Officer, executor of the will of George N. Brown, deceased.

(g) *Interest reporting.* A paying agent is required to report interest in the amount of $10 or more, paid as part of the redemption value of securities, to the payee and to the Internal Revenue Service, in accordance with 26 CFR 1.6049–4. (See Item 26 of the Appendix to this part for information about excluding interest from income in connection with the education feature of Series EE savings bonds issued on or after January 1, 1990.)

5. Section 321.8 is amended by revising paragraphs (b)(2) and (b)(3) to read as follows:

§ 321.8 Redemption-exchange of Series E and EE savings bonds and savings notes.

* * * * *

(b) *Requirements for redemption-exchange.* * * *

* * * * *

(2) The presenter is the owner, the legal representative (excluding a representative of a decedent's estate), the surviving coowner or beneficiary, or the principal coowner (as defined in § 352.7(e)(2) in 31 CFR part 352 (Circular No. 2–80)) of the securities presented for exchange and is to be named as owner or first-named coowner on the Series HH bonds; and

(3) The request for payment on each security is signed by the presenter. A presenter who is a legal representative should show the full title adjacent to each signature and, in the case of a corporate legal representative, should show the full corporate name, as well as the title. If the name of the presenter has been changed by marriage, or if the presenter is named as beneficiary or legal representative on the securities, the agent may process the transaction in accordance with the provsions of § 321.7 (b), (d), or (e) of this part. If the agent is authorized and elects to use the special endorsement procedure, set out in 31 CFR part 330 (Circular No. 888, current revision), the requests for payment do not need to be signed; however, this special endorsement may not be used in lieu of the presenter's signature on the exchange subscription.

* * * * *

6. Section 321.9 is amended by revising paragraphs (e), (f), (h) and (i) to read as follows:

§ 321.9 Specific limitations on payment authority.

* * * * *

(e) If the presenter does not sign his or her name in ink as it is inscribed on the security (except as provided in § 321.7 (b) or (c) of this part, or appears in evidence of appointment (see § 321.7(f)), and show a home or business address.

(f) If the taxpayer identifying number of the presenter, or the estate represented by the presenter, is not known to the agent and the presenter refuses to furnish the number.

* * * * *

(h) If the security is registered in the name of a corporation, association, partnership, or other organization in its own right.

(i) If Treasury regulations require the submission of documentary evidence to support the redemption, except as provided in § 321.7 (d) or (f) of this part, as in the case of incompetents, minors under legal guardianship, or the change of a registrant's name other than by marriage.

* * * * *

7. Section 321.10 is amended by revising paragraph (a) to read as follows:

§ 321.10 Responsibilities of paying agents.

(a) *Payment of securities.* A paying agent is required to redeem eligible securities during its regular business hours for any presenter, whether or not a customer, who can establish his or her identity as the owner or co-owner named on the securities, in accordance with the provisions of this part, and the appendix to this part, and the Treasury Identification Guide for Cashing United States Savings Bonds. An agent is encouraged, but is not required, to redeem eligible securities during its regular business hours for a surviving beneficiary, a legal representative designated in the registration of securities presented, or a legal representative of the last deceased registrant's estate who can provide acceptable evidence (see § 321.7 (d) or (f)) and establish identity in accordance with this part.

* * * * *

8. Section 321.11 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f), by revising newly designated paragraph (e), and by adding a new paragraph (d) to read as follows:

§ 321.11 Payment.

* * * * *

(d) *Evidence—Payment to a legal representative of the last deceased registrant's estate.* The agent shall determine whether the legal representative is entitled to request payment, as provided in § 321.7(f). In addition to establishing the presenter's identification, as required by paragraph (b) of this section, the agent shall require evidence of appointment as well as evidence of the dates of death of all persons named in the registrations of the securities presented. Evidence of the representative's appointment must be either a court certificate or a copy of the letters of appointment, certified to be true and correct under seal of the court or clerk of court. If the original appointment was made more than one

year prior to the presentation of the securities it must also bear the court clerk's statement that the appointment is in full force and effect. This statement must be under seal of the court or clerk of court and dated within six months of the presentation. Such evidence of appointment must pertain to the estate of the last deceased registrant designated on the securities. A copy of a death certificate, certified under seal of the State or local registrar, is the only acceptable evidence of the date of death.

(e) *Execution of request.* (1) The agent shall require:

(i) That the request for payment on the back of each security be signed by the presenter in the presence of one of its officers or authorized employees; and

(ii) That the presenter's address be furnished. Fiduciaries must sign as provided in § 321.7 (e) and (f).

(2) If the agent is qualified under 31 CFR part 330 (Circular No. 888, current revision) and elects to use the special endorsement procedure, the request for payment need not be signed. If the request has already been signed when the security is presented, it should be signed again.

* * * * *

9. The appendix to part 321, Department of the Treasury Circular No. 750, Fourth Revision, is amended as follows:

A. Subpart C, paragraphs 7.(a), 9.(b) and 10.(a) are revised to read as follows:

Appendix to Department of the Treasury Circular No. 750, Fourth Revision

Fiscal Service, Bureau of the Public Debt

* * * * *

Subpart C—Scope of Authority

7. *Authorized cash payments.* (§ 321.7)

(a) *General.* (§ 321.7(a)) The general authority of paying agents to redeem securities for cash extends to Series A, B, C, D, E, and EE bonds and savings notes presented by the owner, coowner, surviving beneficiary, parent on behalf of a minor, legal representative designated in the registrations of securities presented, or legal representative of the last deceased registrant's estate. The presenter must sign the requests for payment and establish his or her identity and, in the case of a beneficiary, parent, or legal representative of the last deceased registrant's estate, entitlement to request payment.

* * * * *

9. *Specific limitations on payment authority.* (§ 321.9)

* * * * *

(b) *Taxpayer identifying number of presenter.* (§ 321.9(f)) An agent shall refuse payment of any security if the taxpayer identifying number of the presenter, or the estate represented by the presenter, is not known to the agent and the presenter is unwilling to furnish the number. A parent who requests payment on behalf of a minor in accordance with § 321.7(c) of this part must provide the minor's social security number.

* * * * *

10. *Responsibilities of paying agents.* (§ 321.10)

(a) *Requirements for redeeming securities.* (§ 321.10(a)) A paying agent shall redeem eligible securities during its regular business hours for a presenter who establishes his or her identity as the owner or coowner of the securities, in accordance with this part and this appendix. While a paying agent is not required to redeem securities in exchange for Series HH bonds for any presenter, or for cash upon the request of a surviving beneficiary or legal representative, it is encouraged to do so, provided the presenter can establish his/her identity and provide acceptable evidence in accordance with this part and this appendix (see § 321.7 (d) and (f)). An agent is not required to redeem securities during Saturday and evening hours if it is open during such periods primarily as a service for its depositors.

* * * * *

B. Subpart D, paragraphs 11.(b) and 12.(a) are revised to read as follows:

Subpart D—Payment and Transmittal of Securities

11. *Identification of presenter.* (§ 321.11(b))

* * * * *

(b) Record of identification practice and evidence presented. (Sec. 321.11 (b) through (d)) At the time of payment, the agent should make a notation on the back of the security or in its own records specifying precisely what was relied on to establish the presenter's identity. The identification should be adequate to identify the payee under the circumstances of the transaction. If an agent redeems a security upon the request of a surviving beneficiary or a legal representative of the last deceased registrant's estate, it should also make a notation of the evidence presented to establish the payee's entitlement; this might include the document or case number on the death certificate(s) and/or evidence of the legal representative's appointment, the date(s) of death, and the names and locations of the issuing authorities. The notations should be sufficient to permit a determination of the evidence of identity and entitlement at a later date. Otherwise, the agent runs the risk that no evidence can be developed to show that it acted without fault or negligence, in which case it could not be relieved of liability should a loss occur.

12. *Request for payment.* (§ 321.11(e))

(a) *Signature.* (§ 321.11(e)) Except where an agent qualified under 31 CFR part 330 (Circular No. 888) elects to use the special endorsement procedure, each security redeemed by the agent must bear the signature of the presenter. The name must be signed exactly as it is inscribed on the security, unless the provisions of 31 CFR part 330 and this appendix provide for an exception, such as in cases involving a change of name by marriage, a request by a parent on behalf of a minor, or a legal representative of the last deceased registrant's estate. An agent may be held liable if the request for payment is not properly signed. Legal representatives must sign as provided in § 321.7 (e) and (f).

* * * * *

C. Subpart G is amended to redesignate paragraph 26. as paragraph 27. and to add a new paragraph 26., to read as follows:

Subpart G—Miscellaneous Provisions

* * * * *

26. *Education savings bond program.* (§ 321.7(g))

(a) Section 6009 of the Technical Corrections and Miscellaneous Revenue Act of 1988, Public Law 100-647 (26 U.S.C. 135), permits taxpayers to exclude all, or a portion, of the interest earned on Series EE savings bonds, bearing issue dates on or after January 1, 1990, from their income under certain conditions. This legislation did not create new savings bond redemption and interest reporting requirements for savings bond paying agents. However, if a bond owner indicates that he or she intends to seek the special tax treatment offered under this program, the agent is encouraged to provide assistance by:

(1) Directing him or her to IRS Publications 550, Investment Income and Expenses, and 17, Your Federal Income Taxes, for detailed information; or

(2) Suggesting that the presenter make a record of eligible bonds redeemed either by using IRS Optional Form 8818, or otherwise.

(b) Bond owners seeking to benefit from the special tax exclusion, available

through the savings bond education feature, should be aware of the following basic rules:

(1) Only interest earned on Series EE bonds bearing issue dates on or after January 1, 1990, is eligible for the exclusion of interest income, where the proceeds from the redemption of the bonds are used to pay qualified post-secondary education expenses. Interest received on bonds bearing issue dates prior to January 1, 1990, is not eligible.

(2)(i) The bonds must be registered in the name of a taxpayer as sole owner, or in the name of the taxpayer as co-owner, with the taxpayer's spouse as the other co-owner. Bonds registered in the name of the taxpayer's child, as owner or co-owner, will not qualify for the exclusion. A taxpayer may purchase bonds registered in beneficiary form, i.e., "A payable on death to B", naming any individual, including a child, as beneficary.

(ii) The bonds must be registered in the name of a taxpayer who has attained the age of 24 years at the time of issue. Generally, a taxpayer must be 24 years of age on or before the first day of the month in which the taxpayer purchases the bond, because savings bonds bear the issue date of the first day of the month in which purchased.

(3) The bond must be redeemed by the owner or co-owner. It may not be transferred to-the educational institution.

(4) If the entire amount of the proceeds of the eligible bonds is less than, or equal to, the qualified post-secondary educational expenses incurred by the owner, his or her spouse, or his or her dependent, all interest received is excludable, subject to the limitations in paragraph (b)(7) of this section. If the amount of the proceeds exceeds such qualified expenses, the excludable portion of the interest will be reduced by a pro rata amount.

(5) Qualified educational expenses are limited to tuition and fees required for the enrollment of, or attendance by, the taxpayer, or the taxpayer's spouse or dependent, at an eligible educational institution. These expenses are calculated net of scholarships, fellowships, employer-provided educational assistance, and other tuition reduction amounts, and must be incurred during the tax year of the redemption of the bonds for which the interest exclusion is claimed.

(6) Eligible educational institutions include those defined in sections 1201(a) and 481(a)(1) (C) and (D) of the Higher Education Act of 1965, as in effect on October 21, 1988, excluding proprietary institutions. Such eligible institutions include post-secondary institutions, and vocational schools that meet the standards for participation in Federal financial aid programs, excluding proprietary institutions. Additional gudiance concerning eligible institutions should be obtained from the Department of Education.

(7)(i) Interest exclusion benefits are based on the modified adjusted gross income of the taxpayer. For taxpayers filing a joint Federal income tax return, the exclusion is gradually decreased for modified adjusted gross income between $60,000 and $90,000. Married taxpayers filing jointly who have modified adjusted gross incomes above $90,000 are ineligible for the exclusion. For single taxpayers and heads of households, the exclusion is gradually decreased for such incomes between $40,000 and $55,000. Single taxpayers with such incomes above $55,000 are ineligible for the exclusion. After 1990, these income limits will be adjusted for inflation.

(ii) Married taxpayers must file a joint return in order to qualify for the exclusion. Married taxpayers filing separate returns will not qualify for the exclusion, regardless of their modified adjusted gross incomes.

(8) The taxpayer is responsible for maintaining adequate records of bond redemption transactions to support claims for the exclusion, in accordance with applicable rules and regulations of the Internal Revenue Service.

(9) The Internal Revenue Service should be consulted for advice concerning the eligibility and tax treatment of bonds for the income exclusion under the educational savings bond program.

[FR Doc. 90-20233 Filed 8-28-90; 8:45 am]

BILLING CODE 4810-01-M

federal register

Wednesday
August 29, 1990

Part III

Department of Transportation

Federal Highway Administration

23 CFR Part 420
Highway Planning and Research Program Administration; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 420

RIN 2125-AC56

Highway Planning and Research Program Administration

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is revising its regulation which prescribes policies and procedures related to program approval and authorization, conduct, and reporting of highway planning and research projects undertaken with Federal-aid highway planning and research funds. The regulation has been revised to make it consistent with 49 CFR part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, the Department of Transportation's (DOT) implementation of the common rule for grant administration which was issued in response to the March 11, 1988, revision to Office of Management and Budget (OMB) Circular A-102. In particular, the regulation is revised to be consistent with 49 CFR part 18 provisions on donations and in-kind services as matching funds, equipment, supplies, procurement, subgrants, financial management, and advance payments. Also, due to the 1987 Surface Transportation and Uniform Relocation Assistance Act (STURAA), provisions regarding Advance Construction and Minimum Allocation (MA) are included and the language on the rate of Federal participation has been modified. Additionally, reference to applicable regulatory provisions on a drug free workplace, restrictions on influencing certain Federal activities, and debarred or suspended persons have been incorporated.

EFFECTIVE DATE: August 29, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Dean Smeins, Chief, Planning Operations Branch, Office of Planning, (202) 366-9227, or Mr. Michael Laska, Office of Chief Counsel, (202) 366-1383, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

Due to the issuance of 49 CFR part 18 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), 49 CFR part 20, 49 CFR part 29, and the 1987 STURAA (Pub. L. 100-17, 101 Stat. 132), regulations on the administration and management of projects undertaken with Federal-aid highway planning and research funds needed to be updated. Specifically, 49 CFR part 18 established uniform administrative requirements for grants and cooperative agreements to States and local governments; the STURAA necessitated the inclusion of provisions for the use of Advance Construction procedures (23 U.S.C. 115) and of MA funds (23 U.S.C. 157) and a change in the provision on the Federal participation ratio; 49 CFR part 20 established restrictions on influencing certain Federal activities; 49 CFR part 29, subparts A-E established provisions on debarred or suspended persons; and 49 CFR part 29, subpart F requires a drug free workplace. Also included are minor format and editorial changes and corrections to statutory and regulatory citations.

Section-By-Section Analysis

The following is a section-by-section discussion of the revisions to 23 CFR part 420, subpart A—Highway Planning and Research Program Administration.

Section 420.101 Purpose

This section is modified to indicate that 49 CFR part 18 is applicable to the administration of FHWA highway planning and research funds. The purpose, as well as the title, were modified by including research to make it clear that the provisions are applicable to research and development programs financed with FHWA highway planning and research funds. It also is modified to indicate that it is applicable to activities/studies funded as separate Federal-aid projects which are not included in a work program. The reference to 23 CFR part 511, Research and Development (R&D) Studies and Programs is clarified to indicate that it contains additional requirements (to the extent that they have not been superseded by 49 CFR part 18) that apply to the research program, particularly the individual studies. A revision of 23 CFR part 511 is being prepared.

Section 420.103 Definitions

"FHWA highway planning and research funds" is defined to include optional funds under 23 U.S.C. 157(c) and under 23 U.S.C. 307(c)(1) used for highway planning and research purposes, as well as HPR, PR, and PL funds. A reference to 23 U.S.C. 103(d)(1) is added to clarify the authority for the optional use of ½ percent of the Federal-aid urban system funds as PR funds. The definition of work program is amended to indicate that it includes work performed by all subgrantees of a State highway agency (SHA), not just Metropolitan Planning Organizations (MPOs).

Section 420.105 Policy

This section is modified to delete reference to OMB Circular A-102, since it now is guidance to Federal agencies, and to replace it with a reference to 49 CFR part 18. The reference to OMB Circular A-87 was deleted since it is incorporated by reference to 49 CFR 18.22 in new § 420.111. Also, this section is modified to require that SHAs follow their own laws and procedures when administering subgrants and that they ensure that the applicable requirements of 49 CFR part 18 are satisfied. Reference to awarding and administering subgrants and for administering the planning and research program with respect to the provisions of title VI of the Civil Rights Act of 1964 and section 106(c) of the 1987 STURAA are moved to new § 420.119. Minor editorial changes are made.

Section 420.107 Allocation of PL Funds

Only minor editorial changes are made to this section.

Section 420.109 Work Program.

This section is restructured to clarify the required contents of a work program. The information on eligible costs for FHWA highway planning and research funds which was previously contained in this section is relocated to § 420.111 of this regulation. Existing § 420.109(c)(6) regarding contributions where no costs have been incurred (such as, volunteer or donated services) is deleted from this regulation, since it was in conflict with 49 CFR 18.24. The information on administering the funds as a single fund and on the rate of Federal participation is relocated to § 420.117.

Section 420.111 Eligibility of Costs

This section is added to this regulation. It contains the information on eligible costs for FHWA highway planning and research funds which was previously located in § 420.109. A statement is added to emphasize that, to be eligible, costs must be for work performed for purposes pursuant to 23 U.S.C. 134(a) and/or 307(c). The previous references to matching funds are deleted since the requirements are incorporated by reference to 49 CFR 18.24 in § 420.117. The previous reference to OMB Circular A-87

regarding allowable costs is replaced with a reference to 49 CFR 18.22. The information on allowable indirect costs for SHA planning and research units and subgrantees previously included under § 420.115 is relocated to this section and it is made more definitive.

Section 420.113 Approval and Authorization Procedures

This section was § 420.111 in the previous regulation. The previous requirement for FHWA prior approval of work program changes is replaced with a requirement that SHAs and their subgrantees obtain prior approval for budget and programmatic changes as specified in 49 CFR 18.30 and for certain items of allowable costs which are identified in the applicable cost principles specified in 49 CFR 18.22. The previous provision on availability of funds is modified to cover the conditions under which a SHA can utilize advance construction provisions for proceeding with its work program when sufficient Federal funds or obligation authority are not available. The provision in the Federal-Aid Project Agreement (Form PR–2) which requires preparation of suitable reports has been moved to § 420.115.

Section 420.115 Program Monitoring and Reporting

This section was previously § 420.113. The requirement for program monitoring and reporting is modified to specify that it be performed in accordance with 49 CFR 18.40. To distinguish between reporting requirements for the work program and individual research studies, a reference to 23 CFR part 511 is included. Also, the requirement for preparation of suitable reports previously in § 420.111 is relocated to this section. Former § 420.115, Financial Management System and Audit Requirements, is eliminated. The requirements regarding financial management systems and audit are relocated to a new § 420.119, and those which discussed eligible costs are relocated to § 420.111.

Section 420.117 Fiscal Procedures

This section now includes the information on how FHWA planning and research funds (including MA funds and optional funds under 23 U.S.C. 307(c)(1) used for highway planning and research purposes) shall be administered for fiscal purposes and on the maximum rate of Federal participation for these funds that was previously in § 420.109. The language on the rate of Federal participation is modified to reflect the correct statutory citations and the fact that a SHA or subgrantee may contribute an amount in excess of the required non-Federal share of a project. This section also provides that 49 CFR 18.24 (which permits contributions and donated services to be used as matching) is applicable to any necessary matching of FHWA highway planning and research funds. The reference to reimbursement procedures of 23 CFR part 140, subpart A is replaced with a reference to the payment provisions of 49 CFR 18.21. Also, this section is shortened because the requirements on procurement and property management are revised to be consistent with 49 CFR part 18 and relocated to a new § 420.119, Other Requirements. The provision on copyrighting is relocated to 420.119. The provision on program income is revised to be consistent with 49 CFR 18.25 and relocated to § 420.119.

Section 420.119 Other Requirements

This section contains requirements from former § 420.105 regarding awarding and administering subgrants and on provisions for administering the planning and research program with respect to provisions of title VI of the Civil Rights Act of 1964 and section 106(c) of the 1987 STURAA. Also, it contains requirements from former § 420.115 regarding financial management systems and audits. Requirements for program income, equipment, supplies, copyrights, and procurement previously located in § 420.117 are revised to be consistent with 49 CFR part 18 and relocated to this section. The requirement on patents and inventions is revised to indicate that the provisions of 37 CFR part 401 are applicable. Requirements relating to a drug free workplace, debarred and suspended persons, and restrictions on influencing certain Federal activities are added to this section.

Regulatory Procedures

The FHWA has determined that this action does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. These revisions are being issued solely to reflect and formalize current FHWA policy by incorporating current provisions required by 49 CFR part 18, the 1987 STURAA, and other statutory provisions. For this reason, and since the amendments themselves impose no additional burdens on recipients, the FHWA finds good cause to make the revisions final without a 30-day delay in effective date required by the Administrative Procedure Act. Notice for opportunity for comment is not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information due to the administrative nature of the document. Accordingly, the revisions are effective upon publication.

Since the revisions merely reflect current FHWA policy, a full FHWA evaluation is not required. For the foregoing reasons, and under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this amendment does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The information collection requirements contained in § 420.105(b) have been approved by the OMB under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control numbers 2125–0028 and 2125–0032. Similarly, the information collection requirements in §§ 420.109 (a), (b), and (c) and 420.115 (b) and (c) have been approved by the OMB and assigned control numbers 2125–0039 and 2132–0529.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 420

Accounting, Grant programs—transportation, Highways and roads, Planning, Reporting and recordkeeping requirements, Research.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 22, 1990.

T.D. Larson,

Administrator.

In consideration of the foregoing, the FHWA hereby revises subpart A of 23 CFR part 420 as set forth below.

PART 420—PROGRAM MANAGEMENT AND COORDINATION

1. The authority citation for 23 CFR part 420 is revised to read as follows:

Authority: 23 U.S.C. 104(f), 115, 120, 157, 307, and 315; and 49 CFR 1.48(b).

2. Subpart A of part 420 is revised to read as follows:

Subpart A—Highway Planning and Research Program Administration

Sec.
420.101 Purpose.
420.103 Definitions.
420.105 Policy.
420.107 Allocation of PL funds.
420.109 Work program.
420.111 Eligibility of costs.
420.113 Approval and authorization procedures.
420.115 Program monitoring and reporting.
420.117 Fiscal procedures.
420.119 Other requirements.

§ 420.101 Purpose.

This regulation prescribes the Federal Highway Administration (FHWA) policies and procedures for the administration of activities undertaken with FHWA highway planning and research funds, including activities/studies funded as separate Federal-aid projects that are not included in a work program. The requirements in this regulation supplement those in 49 CFR part 18 which is applicable to administration of these funds. This subpart also is applicable to the approval and authorization of research and development work programs; additional policies and procedures regarding individual research and development studies are contained in 23 CFR Part 511, Research and Development (R&D) Studies and Programs.

§ 420.103 Definitions.

(a) FHWA highway planning and research funds include:

(1) HPR funds, the 1½ percent funds authorized under sections 307(c) (1) and (2) of Title 23, United States Code (23 U.S.C.) to carry out the provisions of 23 U.S.C. 307(c)(1);

(2) PR funds, the optional ½ percent funds authorized under 23 U.S.C. 307(c)(3) (and under the provisions of 23 U.S.C. 103(d)(1) for the urban system) to carry out the provisions of 23 U.S.C. 307(c)(1);

(3) PL funds, the ½ percent metropolitan planning funds authorized under 23 U.S.C. 104(f) to carry out the provisions of 23 U.S.C. 134(a); and

(4) Optional 1½ percent and ½ percent minimum allocation funds authorized under 23 U.S.C. 157(c) for carrying out, respectively, the provisions of 23 U.S.C. 307(c)(1) and 23 U.S.C. 134(a).

(b) *Work program* means the periodic statement of proposed work and estimated costs that document the highway planning, research, and development efforts to be undertaken during the next 1- or 2-year period by State highway agencies (SHAs) or their subgrantees.

§ 420.105 Policy.

(a) It is the FHWA's policy to administer FHWA highway planning and research funds supported activities according to the following general principles:

(1) Allow SHAs maximum possible flexibility in their planning and research activities while ensuring legal use of FHWA highway planning and research funds and avoiding unnecessary duplication of efforts.

(2) Allow SHAs to utilize available planning and research resources to meet the highway and transportation needs at the national, State, and local levels.

(3) Allow for the cooperation of the SHAs in providing the necessary planning and research resources to meet national transportation needs.

(4) Within the limitations of available funding and with the understanding that planning activities of national significance are being adequately addressed, allow SHAs to determine which eligible highway planning and research activities they desire to support with FHWA highway planning and research funds and at what funding level.

(b) The SHAs shall provide data that support the FHWA's responsibilities to the Congress and to the public. These data will include information required for: preparing proposed legislation and reports to the Congress; evaluating the extent, performance, condition, and use of the Nation's various highway systems; analyzing existing and proposed Federal-aid funding methods and levels and the assignment of user cost responsibility; maintaining a critical information base on fuel availability, use and revenues generated; and calculating apportionment factors.

(c) It is FHWA policy to administer FHWA highway planning and research funds supported activities in urbanized areas in accordance with 23 CFR part 450, subpart A, Urban Transportation Planning.

(d) Statewide, urbanized area and other planning activities, and research and development activities may be administered as separate programs, paired in various combinations, or brought together as a single work program. Similarly, these planning and research activities may be authorized for fiscal purposes as one combined or as separate Federal-aid projects.

(e) The SHAs shall have primary responsibility for administering FHWA highway planning and research funds passed through to subgrantees, for ensuring that such funds are expended for purposes pursuant to sections 134(a) and/or 307(c) of title 23, U.S.C., and for ensuring that the funds are administered in accordance with this regulation, 49 CFR part 18, and applicable cost principles.

(The information collection requirements in paragraph (b) have been approved by the Office of Management and Budget (OMB) under control numbers 2125–0028 and 2125–0032.)

§ 420.107 Allocation of PL funds.

(a) Funds authorized by 23 U.S.C. 104(f) shall be allocated by the SHA to Metropolitan Planning Organizations (MPOs) in accordance with a formula developed by the SHA and approved by the FHWA. When developing or revising the allocation formula, the SHA shall, to the extent possible, consult with the affected MPO(s).

(b) The allocation formula shall consider, but not necessarily be limited to population, status of planning, and metropolitan area transportation needs.

(c) As soon as practicable after PL funds have been apportioned by the FHWA to the State, the SHA shall inform the MPO(s) and the FHWA of the amounts allocated in each area.

(d) If the SHA in a State receiving the minimum apportionment of PL funds under the provisions of 23 U.S.C. 104(f)(2) determines that the share of funds to be allocated to any MPO results in the MPO receiving more funds than necessary to carry out the provisions of 23 U.S.C. 134(a), the SHA may, after considering the views of the appropriate MPO(s) and with the approval of the FHWA, use these funds to finance transportation planning outside of urbanized areas.

§ 420.109 Work program.

(a) Expenditure of FHWA highway planning and research funds, shall be documented by the SHAs and subgrantees in a work program(s) acceptable to the FHWA. The expenditure of PL funds for transportation planning outside of urbanized areas under 23 CFR 420.107(d) may be included in the work program for statewide planning activities or in a separate work program submitted by the SHA.

(b) Work program(s) that document planning activities shall include a

description of work to be accomplished and cost estimates for each activity. Additional information on urbanized area work programs is contained in 23 CFR 450.108. Additional information on research and development work program content and format is contained in 23 CFR part 511.

(c) The work program(s) also shall include a financial summary which shows:

(1) Federal share by type of fund,
(2) Matching rate by type of fund,
(3) State and/or local matching share, and
(4) Other State/local funds.

The SHAs that use separate Federal-aid projects in accordance with 23 CFR 420.105(d) shall submit, in addition to this funding information required for each program, one overall summary showing the funding for the entire FHWA funded planning and research/development effort.

(d) The SHAs also are encouraged to include cost estimates for 100 percent State/local funded activities for producing FHWA-required data (23 CFR 420.105(b)) and for other planning activities using 100 percent State and/or local funds.

(The information collection requirements in paragraphs (a), (b), and (c) were approved by the OMB under control numbers 2125–0039 and 2132–0529.)

§ 420.111 Eligibility of costs.

(a) Costs will be eligible for FHWA participation provided the costs:

(1) Are for work performed for purposes pursuant to 23 U.S.C. 134(a) and/or 307(c)(1);

(2) Are verifiable from the SHA's or subgrantee's records;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives and meet the other criteria for allowable costs in the applicable cost principles cited in 49 CFR 18.22;

(4) Are provided for in the approved budget, or amendment thereto; and

(5) Were not incurred prior to FHWA authorization.

(b) Indirect costs of SHA planning and research units are eligible only to the extent allowed in accordance with 23 CFR part 140, subpart G.

(c) Indirect costs of MPOs and local governments are allowable if supported by a cost allocation plan/indirect cost proposal in accordance with the provisions of OMB Circular A–87. An initial plan/proposal must be submitted to the Federal cognizant agency for negotiation and approval prior to recovering any indirect costs. The cost allocation plan/indirect cost proposal shall be updated annually and retained by the MPO/local government, unless requested to be resubmitted by the Federal cognizant agency, for review at the time of the audit required in accordance with 23 CFR part 12. However, if the MPO/local government's indirect cost rate varies significantly from the rate approved for the previous year, or if the MPO/local government changes its accounting system and affects the previously approved indirect cost allocation plan/proposal or rate and its basis of application, the indirect cost allocation plan/proposal shall be resubmitted for negotiation and approval. In either case, a rate should be negotiated and approved for billing purposes until a new plan/proposal is approved.

(d) Indirect costs of other SHA subgrantees, including other State agencies, are allowable if supported by a cost allocation plan/indirect cost proposal prepared, submitted, and approved by the cognizant agency in accordance with OMB requirements applicable to the subgrantee.

§ 420.113 Approval and authorization procedures.

(a) The SHA and its subgrantees shall obtain work program approval and authorization to proceed prior to beginning work on activities in the work program. Such approvals and authorizations should be based on final work program documents. The SHA and its subgrantees also shall obtain prior approval for budget and programmatic changes as specified in 49 CFR 18.30 and for those items of allowable costs which require prior approval in accordance with the applicable cost principles specified in 49 CFR 18.22.

(b) Except for advance construction, authorization to proceed with the work program(s) in whole or in part shall be deemed a contractual obligation of the Federal Government pursuant to 23 U.S.C. 106 and shall require that appropriate funds be available for the full Federal share of the cost of work authorized. Those SHAs that do not have sufficient FHWA highway planning and research funds or obligation authority available to obligate the full Federal share of the entire work program(s) may utilize the advance construction provisions of 23 U.S.C. 115(a) in accordance with the requirements of 23 CFR part 630, subpart G. SHAs that do not meet the advance construction provisions, or do not wish to utilize them, may request authorization to proceed with that portion of the work program(s) for which FHWA highway planning and research funds are available. In the latter case, authorization to proceed may be given for either selected work activities or for a portion of the program period, but such authorization shall not constitute any commitment of FHWA to fund the remaining portion of the work program(s) should additional funds become available.

(c) A Federal-Aid Project Agreement (Form PR–2) shall be executed in accordance with the procedures in 23 CFR part 630, subpart C, for each statewide planning, research and development, urbanized area transportation planning work program, individual activity/study, or any combination administered as a single Federal-aid project. The project agreement shall be executed after the authorization has been given by the FHWA to proceed with the work program in whole or in part. In the event that the project agreement is executed for only part of the work program, the project agreement shall be amended by execution of a Form PR–2A, Modification of Federal-Aid Project Agreement, when authorization is given to proceed with additional work.

§ 420.115 Program monitoring and reporting.

(a) In accordance with 49 CFR 18.40, the SHA shall monitor all activities, including those of its subgrantees, supported by FHWA highway planning and research funds to assure that the work is being managed and performed satisfactorily and that time schedules are being met.

(b) The SHA shall submit performance and expenditure reports, including a report from each subgrantee, that contain as a minimum:

(1) Comparison of actual performance with established goals,

(2) Progress in meeting schedules,

(3) Status of expenditures in a format compatible with the work program, including a comparison of budgeted (approval) amounts and actual costs incurred,

(4) Cost overruns/underruns,

(5) Approved work program revisions, and

(6) Other pertinent supporting data. Additional information on reporting requirements for individual research studies is contained in 23 CFR part 511.

(c) The frequency of reports required by paragraph (b) of this section will be annually unless more frequent reporting is determined to be necessary by the FHWA; but in no case will reports be required more frequently than quarterly. These reports are due 90 days after the end of the reporting period for annual and final reports and no later than 30

days after the end of the period for other reports.

(d) Events that have significant impact on the work program(s) shall be reported as soon as they become known. The type of events or conditions that require reporting include: problems, delays, or adverse conditions that will materially affect the ability to attain program objectives. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(e) A provision of the Federal-Aid Project Agreement requires the preparation of suitable reports to document the results of activities performed with FHWA highway planning and research funds and FHWA approval prior to publishing such reports. The SHA may request a waiver of the requirement for prior approval. The FHWA's approval constitutes acceptance of such reports as evidence of work performed but does not imply endorsement of a report's findings or recommendations. Reports prepared for FHWA funded work shall include appropriate credit references and disclaimer statements.

(The information collection requirements in paragraphs (b) and (c) were approved by the OMB under control numbers 2125–0039 and 2132–0529.)

§ 420.117 Fiscal procedures.

(a) HPR funds shall be administered and accounted for as a single fund regardless of the category of Federal-aid highway funds from which they are derived.

(b) PR funds may be selected from available balances of any one or all of the appropriate categories of Federal-aid funds up to the limiting amount in each fund. PR funds may be combined into one total in the work program, but each class of PR funds (primary, secondary, or urban) shall be administered and accounted for separately for fiscal purposes.

(c) PL funds shall be administered and accounted for as a single fund.

(d) Optional funds under 23 U.S.C. 157(c) and 23 U.S.C. 307(c)(1) used for highway planning and research purposes shall be identified separately in the work program(s) and shall be administered and accounted for separately for fiscal purposes.

(e) The maximum rate of Federal participation with funds made available under paragraphs (a) through (d) of this section shall be as prescribed in 23 U.S.C. 120(j) unless the FHWA determines that the interests of the Federal-aid highway program would be best served without such match in accordance with 23 U.S.C. 307(c)(4) or 23 U.S.C. 104(f)(3).

(f) The provisions of 49 CFR 18.24 are applicable to any necessary matching of FHWA highway planning and research funds.

(g) Payment shall be in accordance with the provisions of 49 CFR 18.21.

§ 420.119 Other requirements.

(a) The financial management systems of the SHAs and their subgrantees shall be in accordance with the provisions of 49 CFR 18.20(a).

(b) Program income, as defined in 49 CFR 18.25(b), shall be shown and deducted to determine the net costs on which the FHWA share will be based, unless an alternative is specified in the Federal-Aid Project Agreement.

(c) Audits shall be performed in accordance with 49 CFR 18.26 and 23 CFR part 12.

(d) Equipment purchased by the SHAs and their subgrantees with FHWA highway planning and research funds shall be used, managed, and disposed of in accordance with 49 CFR 18.32(b).

(e) Acquisition and disposition of supplies acquired by the SHAs and their subgrantees with FHWA highway planning and research funds shall be in accordance with 49 CFR 18.33.

(f) SHAs and their subgrantees may copyright any books, publications, or other copyrightable materials developed in the course of or under the FHWA highway planning and research funded project. However, in accordance with 49 CFR 18.34, the FHWA reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

(g) Procedures for the procurement of property and services with FHWA highway planning and research funds by the SHAs and their subgrantees shall be in accordance with 49 CFR 18.36(a) and, if applicable, (t). The SHAs shall follow State laws and procedures when awarding and administering subgrants to MPOs and local governments and shall ensure that the requirements of 49 CFR 18.37(a) have been satisfied. The SHAs and their subgrantees shall not use FHWA funds for procurements from persons (as defined in 49 CFR 29.100) who have been debarred or suspended in accordance with the provisions of 49 CFR part 29, subparts A to E.

(h) Recordkeeping retention requirements shall be in accordance with 49 CFR 18.42.

(i) The SHAs and their subgrantees are subject to the provisions of 37 CFR part 401 governing patents and inventions.

(j) In accordance with the provisions of 49 CFR part 29, subpart F, SHAs shall certify to the FHWA that they will provide a drug free workplace. This requirement can be satisfied through the annual certification for the Federal-aid highway program.

(k) The provisions of 49 CFR part 20 regarding restrictions on influencing certain Federal activities are applicable to all tiers of recipients of FHWA highway planning and research funds.

(l) The provisions of 49 CFR part 21, with respect to title VI of the Civil Rights Act of 1964, shall apply to all highway planning and research activities supported with FHWA funds.

(m) The SHAs shall administer the planning and research program(s) consistent with their overall efforts to implement section 106(c) of the 1987 STURAA (Pub. L. 100–17, 101 Stat. 132) and 49 CFR part 23 regarding business concerns owned and controlled by socially and economically disadvantaged individuals as defined by 15 U.S.C. 637(d).

[FR Doc. 90–20311 Filed 8–28–90; 8:45 am]
BILLING CODE 4910–22–M

federal register

Wednesday
August 29, 1990

Part IV

Department of Health and Human Services

Office of Refugee Resettlement

Refugee Resettlement Program; Allocations to States of FY 1990 Funds for Refugee Social Services; Final Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Refugee Resettlement

Refugee Resettlement Program: Allocations to States of FY 1990 Funds for Refugee [1] Social Services

AGENCY: Office of Refugee Resettlement (ORR), Family Support Administration, Department of Health and Human Services.

ACTION: Final notice of allocations to States of FY 1990 funds for refugee social services.

SUMMARY: This notice establishes the allocations to States of FY 1990 funds for social services under the Refugee Resettlement Program (RRP).

EFFECTIVE DATE: August 29, 1990.

ADDRESSES: Office of Refugee Resettlement, Family Support Administration, 370 L'Enfant Promenade SW., Washington, DC 20447.

FOR FURTHER INFORMATION CONTACT: Toyo Biddle, (202) 252–4563.

SUPPLEMENTARY INFORMATION: Notice of the proposed social service allocations to States was published in the **Federal Register** on April 11, 1990 (55 FR 13667). Adjustments have been made in the estimated refugee populations of six States as a result of evidence submitted by those States. These adjustments have produced minor changes in the allocations for most States.

I. Allocation Amounts

The Office of Refugee Resettlement (ORR) has available $75,000,000 in FY 1990 refugee social service funds as part of the FY 1990 appropriations for the Department of Health and Human Services (Pub. L. 101–166).

Of the total of $75,000,000, the Director of ORR will make available to States $63,000,000 (84%) under the allocation formulas set out in this ntoice. These funds will be made available for the purpose of providing social services to refugees.

The population figures includes refugees, Cuban/Haitian entrants, and Amerasians from Vietnam since these populations may be served through funds addressed in this notice. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program in order to use funds on behalf of entrants as well as refugees.)

Of the $63,000,000 covered by this notice, the Director will allocate funds directly to States in the following manner:

- $60,000,000 will be allocated on the basis of each State's proportion of the national population of refugees who had been in the U.S. 3 years or less as of October 1, 1989 (including a floor amount of $75,000 for States which have small refugee populations).
- $3,000,000 will be allocated on the basis of each State's proportion of the 3-year refugee population (including a floor amount of $5,000 to States with small refugee populations) in order to provide an incentive for States to fund refugee mutual assistance associations (MAAs). A written assurance that these optional funds will be used for MAAs is required in order for a State to receive the funds. Guidance to States regarding this assurance is provided below.

The use of the 3-year population base in the allocation formula is required by section 6(a)(3) of the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605) which amended section 412(c) of the Immigration and Nationality Act (INA) to require that the "funds available for a fiscal year for grants and contracts (for social services) * * * shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year."

The $12,000,000 in remaining social service funds will be used by ORR on a discretionary basis to provide funds for individual projects intended to contribute to the effectiveness and efficiency of the refugee resettlement program. The discretionary funds will support specific program activities designed to improve the delivery of services to refugees. Announcements of the availability of funding and grant application procedures for some projects have been issued: Availability of Funding for Grants to States to Implement Favorable Alternate Sites Demonstration Projects, Memorandum to State Refugee Coordinators issued October 1, 1984, and Availability of Funding for Planned Secondary Resettlement of Refugees, 50 FR 20038, May 13, 1985. ORR expects to continue emphasis on discretionary grants to address problems of persistent welfare dependency and to promote favorable resettlement opportunities. Announcements will be made when discretionary initiatives are decided on. The amount to be used for discretionary projects will enable valuable current efforts—such as the Key States Initiative, Job Links, Planned Secondary Resettlement, and services for Amerasians from Vietnam—to be continued. At the same time, it will provide funds to enable ORR to address such additional needs as serious problems of dependency in areas not currently served by special projects, the need for the placement of greater numbers of newly arriving refugees in locations favorable to their employment and self-support, and the service needs of former re-education camp detainees from Vietnam.

Although the allocation formula is based on the 3-year refugee population, social service programs are not limited to refugees who have been in the U.S. only 3 years. States may provide services without regard to an individual refugee's length of residence, in accordance with the requirements of 45 CFR part 400, subpart I—Refugee Social Services, published in the **Federal Register** of February 3, 1989 (54 FR 5481).

ORR funds may not be used to provide services to United States citizens, since they are not covered under the authorizing legislation, with the following exceptions: (1) Under current regulations, services may be provided to a U.S.-born minor child in a family in which both parents are refugees or, if only one parent is present, in which that parent is a refugee; and (2) under the FY 1989 Foreign Operations Appropriations Act (Pub. L. 100–461), services may be provided to an Amerasian from Vietnam who is a U.S. citizen and who enters the U.S. after October 1, 1988.

Reflecting section 412(a)(1)(A)(iv) of the INA, the Director expects States to "insure that women have the same opportunities as men to participate in training and instruction." In order to facilitate refugee self-support, the Director also strongly encourages States to implement strategies which address

[1] In addition to persons admitted to the United States as refugees under section 207 of the Immigration and Nationality Act (INA) or granted asylum under section 208 of the INA, eligibility for refugee social services also includes: (1) Cuban and Haitian entrants, under section 501 of the Refugee Education Assistance Act of 1980 (Pub. L. 96–422); (2) certain Amerasians from Vietnam who are admitted to the U.S. as immigrants under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. 100–202); and (3) certain Americans from Vietnam, including U.S. citizens, under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Pub. L. 100–461). For convenience, the term "refugee" is used in this notice to encompass all such eligible persons unless the specific context indicates otherwise.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the social service program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival.

simultaneously the employment potential of both primary and secondary wage earners in a family unit, particularly in the case of large families.

In accordance with 45 CFR 400.146 (54 FR 5481), if a State's cash assistance dependency rate for refugees (as defined in section 400.146(b)) is 55% or more, funds awarded under this notice for the basic and MAA incentive allocations are subject (as were all States' FY 1985–1989 funds) to a requirement that at least 85% of the State's award be used for employability services as set forth in section 400.154. ORR expects these funds to be used for services which directly enhance refugee employment potential, have specific employment objectives, and are designed to enable refugees to obtain jobs in less than one year. This reflects the Congressional objective that "employable refugees should be placed in jobs as soon as possible after their arrival in the United States" and that social service funds be focused on "employment-related services, English-as-a-second-language training (in non-work hours where possible), and case-management services". (INA, section 412(a)(1)(B).)

As in previous years, ORR will consider granting, under specific circumstances, a waiver of the 85% provision. In order to receive a waiver, a State must meet either of the following two conditions:

1. The State demonstrates to the satisfaction of the Director of ORR that two of the following three circumstances exist: (a) The cash assistance dependency rate for time-eligible refugees in the State is below the national average for all time-eligible refugees in the U.S.; (b) less than 85% of the State's social service allocation is sufficient to meet all employment-related needs of the State's refugees; and/or (c) there are non-employment-related service needs which are so extreme as to justify an allowance above the basic 15%. *Or*

2. In accordance with section 412(c)(1)(C) of the INA, as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605), the State submits to the Director a plan (established by or in consultation with local governments) which the Director determines provides for the maximum appropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent with performance standards established under section 106 of the Job Training Partnership Act.

States should also expect to use funds available under this notice to pay for social services which are provided to refugees who participate in alternative projects. The Continuing Resolution for FY 1985 (Pub. L. 98–473) amended section 412(e)(7)(A) of the INA to provide that:

> The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers.

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the Federal Register with respect to applications for such projects (50 FR 24583, June 11, 1985). The notice on alternative projects does not contain provisions for the allocation of additional social service funds beyond the amounts made available by this notice. Therefore a State which may wish to consider carrying out such a project should take note of this in planning its use of social service funds being allocated under the present notice.

Finally, ORR believes that the continued and/or increased utilization of refugee mutual assistance associations (MAAs) in the provision of social services promotes appropriate use of services as well as the effectiveness of the overall service system. This belief is reinforced by the interest in MAAs which has developed under similar incentive funds awarded to States in previous years. Therefore additional funds which would be targeted specifically to these organizations have been included as an optional award to States which would use them for this purpose.

Taking into consideration that more funds have been appropriated for social services in FY 1990 than in recent previous years, the Director of ORR has decided to allocate $3,000,000 for FY 1990 MAA incentive awards, as compared with $2,500,000 allocated for this purpose in FY 1988 and 1989.

In order to receive the MAA incentive funds, the appropriate State agency official must provide written assurance to the Office of Refugee Resettlement that the following conditions will be observed by the State agency in using funds made available to the State under this special allocation:

1. That such funds will be used to fund refugee mutual assistance associations for the direct provision of services to refugee clients.

2. That the MAA incentive allocation is subject to and included under ORR's requirement that, in States where applicable, 85% of the total amount of social service funds allocated by this notice to a State be used for employability services, as defined elsewhere in this notice.

3. That the State agency will observe the following definition of a mutual assistance association:

a. The organization must be legally incorporated as a nonprofit organization; *and*

b. Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association will be comprised of refugees or former refugees.

4. That the State agency will assist MAAs in seeking other public and/or private funds for the provision of services for refugee clients in subsequent years.

Written assurances should be sent to the Director, Office of Refugee Resettlement, 370 L'Enfant Promenade SW., Washington, DC 20447, with a duplicate copy to the appropriate Family Support Administration (FSA) Regional Administrator. States must respond by 30 days from the date of the final notice in order to avail themselves of this special allocation.

II. Discussion of Comments Received

We received 17 letters of comment in response to the notice of the proposed allocations to States of FY 1990 funds for refugee social services.

The comments are summarized below and are followed in each case by the Department's response.

Comment: Seven commenters objected to the formula on which the allocation of social service funds is based. Two of the commenters objected to the use of a formula based on the number of refugees who have been in the U.S. for 36 months or less, stating that it excludes from consideration large numbers of refugees who have been here longer and continue to need services. Five commenters recommended that, within the 36-month period of arrivals that the formula covers, ORR give greater weight to the more recent arrivals.

Response: Since the 36-month formula is required by statute, we cannot base allocations on a longer period of arrivals. Nor do we believe that attempting to weigh allocations based on arrival dates within the 36-month period would be consistent with the intent of the law, which states only that social service funds for a fiscal year "shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of

such fiscal year." Using equal weights for admissions within the 36-month period provides a more gradual adjustment for changes in refugee flows and avoids sharp fluctuations in funding to a State that could occur if allocations were based on a shorter period of admissions or if the 36-month admissions were unequally weighted in determining the allocations.

Comment: Seven commenters expressed views on the 16% of social service funds that ORR proposed to use for discretionary purposes. Two of the commenters supported ORR's proposal, noting that the thoughtful use of discretionary funds has often proven to be an important catalyst for program change and for addressing problems of persistent welfare dependency. Five commenters objected to the proposal, recommending a variety of alternatives including holding discretionary funding to 15% of the total, reducing it to 10%, or holding it to the FY 1989 dollar amount. One commenter stated that "discretionary funds appear to have never been distributed equitably among the States by ORR or in proportion to the number of new arrivals received by a State." Another commenter recommended that discretionary funds be used only for "start-up purposes (maximum of two years) to serve new populations."

Response: We believe it is important to retain the discretionary funds set-aside, instead of allocating these funds by formula, in order to continue a number of special efforts to reduce welfare dependency, such as the Planned Secondary Resettlement program and the Key States Initiative, and the Job Links program to provide services in non-impacted communities which are favorable locations for refugees. Discretionary funds are also used to address special needs in a more flexible and productive manner than can be achieved by adding these funds to the formula allocation. The use of discretionary funds to address the special needs of Amerasians from Vietnam is demonstrating that modest grant awards can be effective in achieving the coordination and availability of needed services. Similarly, grants for services to former re-education camp detainees from Vietnam are expected to address another important need that has arisen this year. ORR also expects to use some discretionary funds for projects to address special service needs of refugee women. We believe that continuing special needs, not readily addressed by formula allocations, continue to merit attention and that the new needs that have arisen since last year clearly merit the use of 16% of the social service funds for discretionary purposes. Most of the discretionary funds for special initiatives are awarded to States.

Comment: One commenter objected to the use of a minimum social service allocation of $75,000, stating that it violates the statutory requirement to allocate funds on the basis of the actual number of time-eligible refugees residing in a State. The commenter recommended instead that ORR require States to have a minimum number of time-eligible refugees to qualify for social service funds, and recommended that States with fewer than 300 time-eligible refugees should not receive funds. The commenter also objected to the use of a minimum allocation of $5,000 for mutual assistance association (MAA) incentive grants, claiming that States that receive a "minimum floor" allocation are receiving a disproportionately high per capita rate compared to heavily impacted States.

Response: We believe a minimum allocation for social services and MAA incentive grants is necessary to cover certain basic costs which a State incurs in providing services, regardless of the number of refugees. The floor represents a discretionary add-on, permissible under the statute, of a modest amount of funds to an otherwise impractically small figure which the formula alone would yield for the States with very small refugee populations.

Comment: Four commenters recommended that additional requirements be included in the notice to assure the appropriate representation of, and availability of appropriate services for, refugee women. The proposals included (1) stronger language to encourage the recruitment of women to administer services and (2) a requirement that 25% to 30% of the board of directors of a refugee mutual assistance association (MAA) be comprised of refugee women in order for the MAA to be able to qualify for MAA incentive funds.

Response: ORR has been giving high priority to the question of services for refugee women. In both the notice of proposed allocations and this final notice, we have emphasized the statutory requirement that "women have the same opportunities as men to participate in training and instruction." Earlier this year, we convened a workgroup on refugee women's issues which has made recommendations to increase the involvement and participation of refugee women in the refugee program. However, we believe it is too late in the present fiscal year to introduce new requirements that would require changes in hiring practices and membership of the boards of directors of MAAs in order to qualify for the currently available FY 1990 funds. We believe that advance notice is needed and expect to propose, for public comment, new requirements which address these issues in the first notice for FY 1991 social service funds.

Comment: One commenter supported, and five commenters objected to, the statement in the notice of proposed allocations that "ORR expects these funds to be used for services which * * * are designed to enable refugees to obtain jobs in less than one year." Objections included the need of many refugees for longer term English language and employment training and the longer term needs addressed by the JOBS program for AFDC recipients. The commenter who expressed support for the emphasis on less than one year stated that "It has been our experience * * * that it is critical to get refugees a job as quickly as possible after arrival in the U.S.A. so that they do not become entrenched in the welfare system."

Response: ORR did not intend that this be a requirement for the use of social service funds and has used the term "expects" rather than "requires" in order to express such a distinction. At the same time, we would continue to emphasize the importance of services directed toward employment in less than one year wherever possible and especially with respect to recipients of refugee cash assistance (RCA), whose potential eligibility for aid occurs only during their first 12 months in the U.S. and who, in many areas, will not be able to qualify for any type of continuing cash assistance once that 12-month period has ended.

Comment: One commenter stated that ORR had not taken into consideration, in its population estimates, a provision of the FY 1990 Foreign Operations Appropriations Act (Pub. L. 101-167) that called for the retroactive adjustment of status of certain aliens who had been denied refugee status.

Response: Section 599D provides for certain categories of aliens who were denied refugee status to reapply and to have their applications determined taking into account the provisions of this section; if such persons are subsequently accorded refugee status, they are counted as refugee admissions. Section 599E provides for the adjustment of status of certain Soviet and Indochinese refugees; these persons have not been counted in the formula since adjustments of status under section 599E are from parolee to

permanent resident alien, with the individual never having been accorded an immigration status necessary for participation in the refugee program.

III. Allocation Formula

Of the funds available for FY 1990 for social services, $60,000,000 will be allocated to States in accordance with the formula specified below. A State's allowable allocation will be calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—
2. The total number of refugees and Cuban/Haitian entrants who arrived in the United States not more than 3 years prior to the beginning of the fiscal year for which the funds are appropriated and the number of Amerasians from Vietnam eligible for refugee social services, as shown by the ORR Refugee Data System. The resulting per capita amount will be multiplied by—
3. The number of persons in item 2, above, in the State as of October 1, 1989, adjusted for estimated secondary migration.

The calculation above will yield the formula allocation for each State.

MAA incentive award supplements are allocated on the same 3-year population basis as that used in the social service formula. These funds will be made available contingent upon letters of assurance from States, as described previously.

IV. Basis of Population Estimates

The population estimates for the allocation of funds in FY 1990 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1989, for estimated secondary migration. The data base includes refugees of all nationalities and Amerasians from Vietnam as well as Cuban and Haitian entrants resettled after September 30, 1986. Figures on the numbers of entrants resettled are obtained from several sources, including the ORR Florida office and the Immigration and Naturalization Service.

For fiscal year 1990, ORR's formula allocations to the States for social services for refugees are based on the numbers of refugees who arrived, and on the numbers of entrants who arrived or were resettled, during the preceding three fiscal years: 1987, 1988, and 1989. Therefore estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dates between October 1, 1986, and September 30, 1989, who are thought to be living in each State as of October 1, 1989. The population estimates for the FY 1990 allocations cover refugees of all nationalities, Cuban/Haitian entrants, and Amerasians from Vietnam. Refugees admitted under the Federal Government's private-sector initiative are not included since their assistance and services are to be provided by the private sponsoring organization under an agreement with the Department of State.

All participating States submitted data on their secondary in-migration on Form ORR–11 for use in adjusting these population estimates. The total reported migration was summed, yielding a net migration figure for each State. This figure, the minimum documented migration affecting each State, was applied to the State's total arrival figure, resulting in a revised population estimate. This estimate was converted into a percentage of the total 3-year refugee population. The percentage distribution was compared with the percentage distribution generated from the refugee child count done by the U.S. Department of Education in March 1989. Where a significant discrepancy between the two percentage distributions existed which could not be explained except by secondary migration, a further adjustment was made to the State's estimated population. The population estimates of 14 States were adjusted in this manner. Finally, each State's population was deflated by approximately 1.8% to constrain the sum of the State figures to the known national total.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. Eligible Amerasians are included in the refugee figures.

The population estimates for almost all States are slightly changed from the figures published in the notice of proposed allocations. The significant changes are: (1) Six States submitted convincing evidence of larger time-eligible populations than had been estimated previously, and their population estimates were increased accordingly. Where they furnished evidence of secondary in-migration, the migrants were deducted from the sending States. (2) ORR developed data on the distribution by state of nearly 300 Cuban entrants who arrived in FY 1988 and who had not previously been counted in the formula. These persons were added to the estimated entrant populations of the States. (3) Approximately 400 entrants were included in the refugee figures earlier; they were transferred to the entrant category in the final estimates.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1989, or refugees (col. 1), entrants (col. 2), and total refugees and entrants (col. 3); the formula amounts which the population estimates yield (col. 4); the total allocation amounts after allowing for the minimum amounts (col. 5); and the amounts available as an incentive to States to use MAAs as service providers (col. 6).

V. Allocation Amounts

The following amounts are allocated for refugee social services in FY 1990:

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND ALLOCATIONS FOR FY 1990

State	Refugees (1)	Entrants (2)	Total population (3)	Formula amount (4)	Allocation (5)	MAA incentive allocation (6)
Alabama	460	0	460	$107,026	$107,026	$5,330
Arizona	2,718	5	2,723	633,546	633,546	31,549
Arkansas	383	0	383	89,111	89,111	5,000
California [1]	91,939	141	92,080	21,423,767	21,423,767	1,066,864
Colorado	2,430	2	2,432	565,841	565,841	28,178
Connecticut	2,556	8	2,564	596,552	596,552	29,707
Delaware	62	0	62	14,425	75,000	5,000
Dist. of Columbia	949	7	956	222,427	222,427	11,076
Florida	7,632	6,819	14,451	3,362,238	3,362,238	167,433
Georgia	3,060	8	3,068	713,815	713,815	35,547
Hawaii	847	0	847	197,067	197,067	9,814
Idaho	428	0	428	99,581	99,581	5,000

TABLE 1.—ESTIMATED 3-YEAR REFUGEE/ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND ALLOCATIONS FOR FY 1990—Continued

State	Refugees (1)	Entrants (2)	Total population (3)	Formula amount (4)	Allocation (5)	MAA incentive allocation (6)
Illinois	9,941	15	9,956	2,316,410	2,316,410	115,353
Indiana	414	1	415	96,556	96,556	5,000
Iowa	1,564	0	1,564	363,888	363,888	18,121
Kansas	1,685	0	1,685	392,040	392,040	19,523
Kentucky	638	7	645	150,069	150,069	7,473
Louisiana	1,640	2	1,642	382,035	382,035	19,025
Maine	467	0	467	108,654	108,654	5,411
Maryland	4,029	12	4,041	940,198	940,198	46,820
Massachusetts	9,474	10	9,484	2,206,592	2,206,592	109,884
Michigan	4,101	2	4,103	954,623	954,623	47,538
Minnesota	7,741	8	7,749	1,802,919	1,802,919	89,782
Mississippi	212	0	212	49,325	75,000	5,000
Missouri	1,966	215	2,181	507,442	507,442	25,270
Montana	165	0	165	38,390	75,000	5,000
Nebraska	655	0	655	152,395	152,395	7,589
Nevada	743	49	792	184,270	184,270	9,176
New Hampshire	453	0	453	105,397	105,397	5,249
New Jersey	4,313	1,084	5,397	1,255,691	1,255,691	62,531
New Mexico	402	18	420	97,719	97,719	5,000
New York	32,066	1,667	33,733	7,848,479	7,848,479	390,839
North Carolina	1,558	1	1,559	362,724	362,724	18,063
North Dakota	192	0	192	44,672	75,000	5,000
Ohio	2,810	2	2,812	654,253	654,253	32,581
Oklahoma	994	0	994	231,269	231,269	11,517
Oregon	3,336	0	3,336	776,170	776,170	38,652
Pennsylvania	6,333	3	6,336	1,474,164	1,474,164	73,411
Rhode Island	1,365	1	1,366	317,820	317,820	15,827
South Carolina	190	0	190	44,206	75,000	5,000
South Dakota	259	0	259	60,260	75,000	5,000
Tennessee	1,951	0	1,951	453,929	453,929	22,605
Texas	10,026	79	10,105	2,351,077	2,351,077	117,079
Utah	1,483	0	1,483	345,042	354,042	17,182
Vermont	338	2	340	79,106	79,106	5,000
Virginia	5,185	4	5,189	1,207,297	1,207,297	60,121
Washington	8,553	2	8,555	1,990,447	1,990,447	99,121
West Virginia	19	0	19	4,421	75,000	5,000
Wisconsin	5,503	0	5,503	1,280,354	1,280,354	63,759
Wyoming	27	0	27	6,282	75,000	5,000
Total	246,255	10,174	256,429	59,661,961	60,000,000	3,000,000

[1] $225,828 of the allocation shown for services to refugees in California has been awarded separately to the U.S. Catholic Conference for a Wilson/Fish demonstration project in San Diego.

VI. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 13.814 Refugee Assistance State Administered Programs)

Dated: August 21, 1990.

Chris Gersten,

Director, Office of Refugee Resettlement.

[FR Doc. 90-20324 Filed 8-28-90; 8:45 am]

BILLING CODE 4150-04-M

federal register

Wednesday,
August 29, 1990

Part V

Department of Health and Human Services

Office of Human Development Services

Administration for Native Americans; Availability of Financial Assistance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13612-911]

Administration for Native Americans; Availability of Financial Assistance

AGENCY: Administration for Native Americans (ANA), Office of Human Development Services (OHDS), HHS.

ACTION: Announcement of availability of competitive financial assistance for American Indian, Native Hawaiian, Alaskan Native and Native American Pacific Islanders social and economic development projects.

SUMMARY: The Administration for Native Americans (ANA) announces the anticipated availability of fiscal year 1991 funds for social and economic development projects. Financial assistance provided by ANA is designed to strengthen the self-sufficiency of Native American tribes and organizations through support of social and economic development strategies (SEDS) and the strengthening of local governance capabilities.

DATES: The closing dates for submission of applications are November 2, 1990, February 15, 1991, and May 24, 1991.

FOR FURTHER INFORMATION CONTACT: Lucille Dawson, (202) 245-7727, or Pecita Lonewolf, (202) 245-7714, Department of Health and Human Services, Office of Human Development Services, Administration for Native Americans, 200 Independence Avenue SW., 344F, Washington, DC 20201-0001.

SUPPLEMENTARY INFORMATION:

A. Introduction and Purpose

The purpose of this program announcement is to announce the anticipated availability of fiscal year 1991 financial assistance to promote social and economic self-sufficiency for American Indians, Alaskan Natives, Native Hawaiians, and Native American Pacific Islanders. Native American Pacific Islanders are defined as American Samoan Natives and indigenous peoples of Guam, the Commonwealth of the Northern Marianas, and the Republic of Palau. Funds will be awarded under section 803(a) of the Native American Programs Act of 1974, as amended, Public Law 93-644, 88 Stat. 2324, 42 U.S.C. 2991b for local governance and social and economic development projects.

Proposed projects will be reviewed on a competitive basis against the evaluation criteria in this announcement.

The Administration for Native Americans believes that responsibility for achieving self-sufficiency rests with the governing bodies of Indian tribes, Alaskan Native villages, and in the leadership of Native American groups. The development of self-sufficiency requires the strengthening of governmental responsibilities, economic progress, and improvement of social systems which protect and enhance the health and well-being of individuals, families and communities. Achievement of self-sufficiency is based on the community's ability to develop a strategy and to plan, organize, and direct resources in a comprehensive manner to achieve the community's long-range goals.

The Administration for Native Americans bases its program and policy on three goals:

(1) *Governance:* To assist tribal and village governments, Native American institutions, and local leadership to exercise local control and decision-making over their resources.

(2) *Economic development:* To foster the development of stable, diversified local economies and economic activities which will provide jobs, promote economic well-being, and reduce dependency on public funds and social services.

(3) *Social development:* To support local access to, control of, and coordination of services and programs which safeguard the health and well-being of people, and which are essential to a thriving and self-sufficient community.

To achieve these goals, ANA supports tribal and village governments, and other Native American organizations to develop and implement community-based, long-term governance, and social and economic development strategies (SEDS). These strategies promote the self-sufficiency of local communities. The ANA approach is based on two fundamental principles:

(1) The local community and its leadership are responsible for determining goals, setting priorities, and planning and implementing programs aimed at achieving those goals. The unique mix of socio-economic, political, and cultural factors in each community makes such self-determination necessary. The local community is in the best position to apply its own cultural, political, and socio-economic values for its long-term strategies and programs.

(2) Economic and social development are interrelated, and development in one area should be balanced with development in the other in order to move toward self-sufficiency. Consequently, comprehensive development strategies address all aspects of the infrastructures needed to become self-sufficient communities.

- *Governmental infrastructure* includes the constitutional, legal, and administrative development requisite for independent governance.
- *Economic infrastructure* includes the physical, commercial, industrial and/or agricultural components necessary for a functioning local economy which supports the life-style embraced by the Native American community.
- *Social infrastructure* includes those components through which health and well-being are maintained within the community.

Without a careful balance of all of these, a community's development efforts could be jeopardized. For example, expansion of social services, without providing opportunities for employment and economic development, could lead to greater dependency on social services. Conversely, inadequate social services could seriously impede productivity and local economic development.

B. Proposed Projects To Be Funded

The fundamental task which Native American communities face is to develop enduring social and economic strategies in keeping with their local goals, resources, and cultural values. The Administration for Native Americans assists local communities to undertake projects that are a part of long-range strategies to achieve social and economic self-sufficiency. The Administration for Native Americans expects its applicants to have undertaken a long-range planning process to address the community's development. Such long-range planning must consider the maximum use of all available resources, directing those resources to opportunities, and addressing local issues that hinder social and economic growth in the community.

The Administration for Native Americans encourages applicants to design projects to achieve their specific governance, and social and economic goals, that use available human, natural, financial, and physical resources to which the applicant has access. Non-ANA resources should be marshalled to strengthen and broaden the proposed project impact in the community. Project designs should explain the means through which those parts of projects which ANA does not fund, such as

construction, will be financed through other sources.

All projects funded by ANA must be completed, or self-sustaining or supported with other than ANA funds, at the end of the project period. "Completed" means that the project ANA funded is finished, and the desired result(s) have been attained. "Self-sustaining" means that a project will continue without outside resources. "Supported by other than ANA funds" means that the project will continue beyond the ANA project period, but supported by funds other than ANA's. The Administration for Native Americans does not fund programs which operate indefinitely or would have a need for ANA funding on a recurring basis.

The Administration for Native Americans does not fund objectives or activities for the core administration of an organization. "Core administration" is defined as those functions which provide the ongoing management and administrative support to an organization. The management and administrative functions needed to carry out an ANA approved project are not considered core administration. However, ANA does fund the salaries of approved staff for time to implement a funded ANA project. The Administration for Native Americans does not provide funds for staff salaries for those functions which support the organization as a whole, or for purposes unrelated to the actual management or implementation of work conducted under an ANA approved project.

Goal 1: Governance. Effective governance is a necessary foundation and condition for social and economic development of Indian tribes, Alaskan Native villages, and Native American groups. Efforts to achieve effective governance include: (1) Strengthening the infrastructures of tribal and village governments; (2) increasing the ability of tribes, villages, and Native American groups and organizations to plan, develop, and administer a comprehensive program to support community social and economic self-sufficiency; and (3) increasing awareness of the legal rights and benefits to which Native Americans are entitled, either by virtue of treaties, the Federal trust relationship, legislative authority, or as citizens of a particular state, or of the United States.

Under its governance goal, ANA strongly encourages tribal and village councils, and other governing bodies, to strengthen and streamline their institutional management. The purpose is to develop and implement effective social and economic development strategies, and to improve their day-to-day governmental management. By improving such capabilities, Indian Tribes, Alaskan Native villages, and Native American groups can better define and achieve their goals, promote greater efficiency, and the effective use of all available resources.

Goal 2: Economic development is the long-term mobilization and management of economic resources to achieve a diversified economy. It is characterized by the effective and planned distribution of economic resources, services, and benefits. It also includes the participation of community members in the productive activities and economic investments of the community, and the pursuit of economic interests through methods that balance economic gain with social development, supported by an adequate governmental infrastructure.

Goal 3: Social development is the mobilization and management of resources for the social benefit of community members. It involves the establishment of institutions, systems, and practices that contribute to the social environment desired by the community. This includes the development of, access to, and local control over, the projects and institutions that protect the health and welfare of individuals and families, and preserve the values, language, and culture of the community.

Building on the foundation of strong local governance, ANA supports tribal and village governments' and other Native American organizations' plans to achieve coordinated and balanced development through the implementation of social and economic development strategies (SEDS). These interrelated strategies should describe how the community coordinates and directs all resources (Federal and non-Federal) toward locally determined priorities, and how the community and its members are assisted in ways that promote greater economic and social self-sufficiency. In addition, strategies that combine balanced social and economic and governance goals should target independent sources of revenue for the community which will decrease dependency on public funds.

C. Eligible Applicants

Current ANA grantees whose project period terminates in fiscal year 1991 (October 1, 1990–September 30, 1991) are eligible to apply for a grant award under this program announcement. (The Project Period is noted in Block 9 of the "Financial Assistance Award" document.)

Additionally, provided they are not current ANA grantees, the following organizations are eligible to apply:

- Federally recognized Indian Tribes;
- Consortia of Indian Tribes;
- Incorporated non-Federally recognized Tribes;
- Incorporated nonprofit multi-purpose community-based Indian organizations;
- Urban Indian Centers;
- Public and nonprofit private agencies serving Native Hawaiians;
- National or regional incorporated nonprofit Native American organizations with Native American community-specific objectives;
- Public and nonprofit private agencies serving native peoples from Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands. The populations served may be located on these islands or in the United States.
- Alaskan Native villages as defined in the Alaska Native Claims Settlement Act (ANCSA) and/or nonprofit village consortia;
- Nonprofit Alaskan Native Regional Associations in Alaska with village specific projects;
- Nonprofit Native organizations in Alaska with village specific projects; and
- Nonprofit Alaskan Native community entities or tribal governing bodies (IRA or traditional councils) as recognized by the Bureau of Indian Affairs.

Under section 803 of the Native American Programs Act of 1974, as amended, colleges and universities are not eligible applicants unless they serve Native Hawaiians or the other Native American Pacific Islanders.

This program announcement does not apply to current grantees with multi-year projects that apply for continuation funding for their second or third budget periods.

Note: The inclusion of Alaskan Native applicants as eligible under this announcement is a change from the previous ANA SEDS program announcements. A separate program announcement for fiscal year 1991 funding will also be published specifically for Alaskan Native applicants (Program Announcement 13612–912). In fiscal year 1991, Alaskan Native entities are eligible to submit an application under either announcement, but are limited to a single application for each closing date.

An Alaskan Native applicant may apply for the:

(1) November 2, 1990 closing date of Program Announcement 13612–911; and

(2) February 15, 1991 closing date for Program Announcement 13612–911 or for Program Announcement 13612–912; and
(3) May 24, 1991 closing date for Program Announcement 13612–911 or for Program Announcement 13612–912

The following chart may be of assistance in understanding under what dates an Alaskan Native applicant is eligible to apply.

13612-911	13612-912
Application to be submitted to Washington DC, Nov. 2, 1990.	Application to be submitted to Seattle WA.
and	
Feb. 15, 1991 or	Feb. 15, 1991.
and	
May 24, 1991 or	May 24, 1991.

Thus, Alaskan Native groups now have the same three closing date opportunities as the rest of ANA's constituency. Those Alaskan Native organizations which want to develop plans, programs and projects to compete with other applicant groups under this program announcement (13612–911) are now able to compete for project money that does not have a specific project funding limit.

D. Available Funds

Approximately $12 million of financial assistance is available under this program announcement for American Indian, Alaskan Native, Native Hawaiian, and Native American Pacific Islander projects. This program announcement is being issued in anticipation of appropriation of funds, and is contingent upon that appropriation.

Each tribe, Native American organization, or other eligible applicant can receive only one grant award under this announcement.

E. Multi-Year Projects

Applicants may apply for projects of up to 36 months duration. A multi-year project, that is, a project on a single theme requiring more than 12 months to complete, affords applicants the opportunity to develop more complex, and in-depth, projects than can be completed in one year. Applicants are encouraged to develop multi-year projects. However, applicants should understand that a multi-year project is a project on a single theme that requires more than 12 months to complete. The project cannot be a series of unrelated projects or activities presented in chronological order over a two or three year period. Funding after the first 12 month budget period of an approved multi-year project is non-competitive.

The budget period for each multi-year project grant is 12 months. The non-competitive funding for the second and third years is contingent upon the grantee's satisfactory progress in achieving the objectives of the project, according to the approved work plan, the availability of Federal funds, and compliance with the applicable statutory, regulatory and grant requirements.

F. Grantee Share of Project

Grantees, with the exception of organizations in the Native American Pacific Islands, must provide at least 20 percent of the total approved cost of the project, which may be cash or in-kind contributions.

Applications originating from American Samoa, Guam, Palau, or the Commonwealth of the Northern Mariana Islands are covered under section 501(d) of Public Law 95–134, as amended (48 U.S.C. 1469a) which requires that HHS waive "any requirement for local matching funds under $200,000" (including in-kind contributions). Applications from groups in the United States serving Native American Pacific Islanders in the United States are required to provide a 20 percent match or apply for a waiver under 45 CFR 1336.50(b)(3) of the Native American Program Regulations.

The total approved cost of the project is the sum of the Federal share and the non-Federal share. The method to compute the non-Federal share is shown in the ANA Application Kit. An itemized budget detailing the applicant's non-Federal share, and its source, must be included in an application. A request for a waiver of the non-Federal share requirement may be submitted in accordance with 45 CFR 1336.50(b)(3) of the Native American Program Regulations.

G. Intergovernmental Review of Federal Programs

This program is not covered by Executive Order 12372.

H. The Application Process

Availability of Application Forms

In order to be considered for a grant under this program announcement, an application must be submitted on the forms supplied and in the manner prescribed by ANA. The application kits containing the necessary forms and instructions may be obtained from: Department of Health and Human Services, Office of Human Development Services, Administration for Native Americans, Room 344F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201–0001, Attention: No. 13612–911, (202) 245–7730.

Application Submission

One signed original, and two copies, of the grant application, including all attachments, must be hand delivered or mailed by the closing date to: Department of Health and Human Services, Office of Human Development Services, Discretionary Grants Management Branch, Room 341F.2, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201–0001, ATTENTION: ANA 13612–911.

Note: If the applicant is from Alaska, the applicant is to send the application to the above address, *not* to the ANA Seattle Regional Office.

The application must be signed by an individual authorized (1) to act for the applicant tribe or organization and (2) to assume the applicant's obligations under the terms and conditions of the grant award, including Native American Program statutory and regulatory requirements.

Application Consideration

The Commissioner of the Administration for Native Americans determines the final action to be taken with respect to each grant application received under this announcement.

The following points should be taken into consideration by all applicants:

- Incomplete applications and applications that do not conform to this announcement will not be accepted for review. Applicants will be notified in writing of any such determination by ANA.
- Complete applications that conform to all the requirements of this program announcement are subjected to a competitive review and evaluation process. An independent review panel evaluates each application against the published criteria in this announcement. The results of this review assist the Commissioner to make final funding decisions.
- The Commissioner's decision also takes into account the comments of ANA staff, State and Federal agencies having performance related information, and other interested parties.
- The Commissioner makes grant awards consistent with the purpose of the Act, all relevant statutory and regulatory requirements, this program announcement, and the availability of funds.

• After the Commissioner has made decisions on all applications, unsuccessful applicants are notified in writing within approximately 120 days of the closing date. Successful applicants are notified through an official Financial Assistance Award (FAA) document. The Administration for Native Americans staff cannot respond to requests for funding decisions prior to the official notification to the applicants. The FAA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, the budget period, and the amount of the non-Federal matching share requirement.

I. Review Process and Criteria

Applications submitted by the post-marked date under this program announcement will undergo a pre-review to determine:

• That the applicant is eligible in accordance with the Eligible Applicants Section of this announcement.

• That the application materials submitted are sufficient to allow the panel to undertake an in-depth evaluation. (All required materials and forms are listed in the Grant Application Checklist in the Application Kit.)

Applications which pass the pre-review will be evaluated and rated by an independent review panel on the basis of five evaluation criteria. These criteria are used to evaluate the quality of a proposed project, and to determine the likelihood of its success. A proposed project should reflect the purposes of ANA's SEDS policy and program goals (described in Introduction and Program Purpose of this announcement) and the probability of self-sufficiency for a specific tribe or Native American community. The five programmatic and management criteria are closely related to each other. They are considered jointly in judging the overall quality of an application. Points will be given only to applications which are responsive to this announcement and these criteria. The five evaluation criteria are:

(1) *Long-Range Goals and Available Resources.* (15 points)

(a) The application presents specific long-range community goals related to the proposed project. It explains how the community's intent to achieve these goals has been identified and clearly documents the involvement and support of the community in the planning process and implementation of the proposed project. The goals are presented within the context of a comprehensive community social and economic development plan. (Inclusion of the community's entire development plan is not necessary.)

(b) Available resources (other than ANA) which will assist, and be coordinated with the project are described. These resources may be human, natural or financial, and may include other Federal and non-Federal resources.

Note: Applicants from the Native American Pacific Islands are not required to provide a 20% match for the non-Federal share if it is under $200,000 and may not have points reduced for this policy. They are, however, expected to coordinate non-ANA resources for the proposed project, as are all of ANA applicants.

(2) *Organizational Capabilities and Qualifications.* (10 points)

a. The management and administrative structure of the applicant is explained. Evidence of the applicant's ability to manage a project of the proposed scope is well defined. The application clearly shows the successful management of prior or current projects of similar scope by the organization, and/or by the individuals designated to manage the project.

b. Position descriptions or resumes of key personnel, including those of consultants, are presented. The position descriptions and resumes relate specifically to the staff proposed in the Approach Page and in the proposed Budget of the application. Position descriptions very clearly describe the position and its duties and clearly relate to the personnel staffing required for implementation of the project. Resumes indicate that the proposed staff are qualified to carry out the project activities. Either the position descriptions or the resumes set forth the qualifications that the applicant believes are necessary for overall quality management of the project.

(3) *Project Objectives, Approach and Activities.* (45 points)

The application proposes specific project objectives and activities related to the overall long-term goals. The Objective Work Plan in the application includes project objectives and activities for each budget period proposed and demonstrates that these objectives and activities:

• are measurable and/or quantifiable;

• are based on a fully described and locally determined balanced strategy for governance or social and economic development;

• clearly relate to the community's long-range goals which the project addresses;

• can be accomplished with available or expected resources during the proposed project period;

• indicate when the objective, and major activities under each objective, will be accomplished;

• specify who will conduct the activities under each objective; and

• support a project that will be completed, self-sustaining, or financed by other than ANA funds at the end of the project period.

(4) *Results or Benefits Expected.* (20 points)

The proposed project will result in specific, measurable outcomes for each objective that will clearly contribute to the completion of the project and will help the community meet its goals. The specific information provided in the application on expected results or benefits for each objective is the basis upon which the outcomes can be evaluated at the end of each budget year.

(5) *Budget.* (10 points)

There is a detailed budget provided for each budget period requested. (This is especially necessary for multi-year applications.) The budget is fully explained. It justifies each line item in the budget categories in section B of the Budget Information of the application, including the applicant's non-Federal share and its source. (Applicants from the Native American Pacific Islands are exempt from the non-Federal share requirement.) Sufficient cost and other detail is included and explained to facilitate the determination of cost allowability and the relevance of these costs to the proposed project. The funds requested are appropriate and necessary for the scope of the project. For business development projects, the proposal demonstrates that the expected return on the funds used to develop the project provides a reasonable profit within a future specified time frame.

J. Guidance to Applicants

The following is provided to assist applicants to develop a competitive application.

(1) *Program Guidance*

• The Administration for Native Americans funds projects that present the strongest prospects for fulfilling a community's governance, social or economic development. The Administration for Native Americans does not fund on the basis of need alone.

• In discussing the problems being addressed in the application, sufficient background and/or history of the

community concerning these problems, and progress to date, as well as the size of the population to be served, should be included so that the appropriateness and potential of the proposed project in strengthening the self-sufficiency of a community will be better understood by reviewers.

• An application should demonstrate a clear linkage between the proposed project and the community's long-range goals or plan.

• The project application must clearly identify in measurable terms, the expected results, benefits or outcomes of the project, and the positive and continuing impact on the community the project will have.

• Supporting documentation, or other testimonies from concerned interests other than the applicant, should be included to provide support for the feasibility and commitments of resources to the implementation or conduct of the project.

• In the ANA Program Narrative, section A of the application package, Resources Available to the Proposed Project, the applicant should describe any specific financial circumstances which may impact on the project, such as any monetary or land settlements made to the applicant, and any restrictions on the use of those settlements. When the applicant appears to have other resources to support the proposed project and chooses not to use them, the applicant should explain why it is seeking ANA funds and not utilizing these resources for the project.

• Reviewers of applications for ANA indicate they are better able to evaluate the feasibility and practicality of a proposed economic development project if the applicant includes a business plan to support the feasibility of the project. (ANA has included sample business plans in the application kit.) It is strongly recommended that an applicant use these as a guide in the development of an application. The more information provided a review panel, the better able the panel is to evaluate the potential for the success of the proposed project.

• A "multi-purpose community-based Native American organization" is an association and/or corporation whose charter specifies that the community designates the Board of Directors and/or officers of the organization through an elective procedure and that the organization functions in several differing areas of concern to the members of the local Native American community. These areas are specified in the by-laws and/or policies adopted by the organization. They may include, but need not be limited to, economic, artistic, cultural, and recreational activities, the delivery of human services such as health, day care, counseling, education, and training.

(2) *Technical Guidance*

• It is strongly suggested that the applicant follow the Supplemental Guide included in the ANA application kit to develop an application. The Guide provides practical information and helpful suggestions, and is an aid to help applicants prepare ANA applications for social and economic development projects.

• Applicants are encouraged to have someone other than the author apply the evaluation criteria in the program announcement and to score the application prior to its submission, in order to gain a better sense of the application's quality and potential competitiveness in the ANA review process.

• There is no maximum or minimum amount of Federal funds that may be requested.

• For purposes of developing an application, applicants should plan for a project start date approximately 120 days after the closing date under which the application is submitted.

• The Administration for Native Americans will not fund essentially identical projects serving the same constituency.

• The Administration for Native Americans will accept only one application from any one applicant. If an eligible applicant sends in two applications, the one with the earlier postmark will be accepted for review unless the applicant withdraws the earlier application.

• An application from an Indian tribe or other applicant must be from the governing body of the applicant.

• The application's Form 424 must be signed by the applicant's representative authorized to act with full authority on behalf of the applicant.

• The Administration for Native Americans suggests that the pages of the application be numbered sequentially from the first page, and that a table of contents be provided. This allows for easy reference during the review process. Simple tabbing of the sections of the application is also helpful to the reviewers.

• Two copies of the application plus the original are required.

• The Cover Page (included in the Kit) should be the first page of an application, followed by the one-page abstract.

• The Approach page (section B of the ANA Program Narrative) for each objective proposed should be of sufficient detail to become a monthly staff guide of responsibilities should the applicant be funded.

• The applicant should specify the entire project period length on the first page of the Form 424, Block 13, not the length of the first budget period. Should the application's contents propose one length of project period and the Form 424 specify a conflicting length of project period, ANA will consider the project period specified on the Form 424 as governing.

• Line 15a of the 424 should specify the Federal funds requested for the first Budget Period, not the entire project period.

• If a profit-making venture is being proposed, profits must be reinvested in the business in order to decrease or eliminate ANA's future participation. Such revenue must be reported as general program income. A decision will be made at the time of grant award regarding appropriate use of program income. (See 45 CFR part 74 and part 92.)

• Applicants proposing multi-year projects must fully describe annual project objectives and activities. Separate Objective Work Plans (OWP) must be presented for each project year and a separate itemized budget of the Federal and non-Federal costs of the project for each budget period must be included.

• Applicants for multi-year projects must justify the entire time-frame of the project (i.e., why the project needs funding for more than one year) and describe the results to be achieved by the end of each budget period of the total project period.

(3) *Projects of Activities That Generally Will Not Meet the Purposes of This Announcement*

• Projects in which a grantee would provide training and/or technical assistance (T/TA) to other tribes or Native American organizations ("third party T/TA"). However, the purchase of T/TA by a grantee for its own use or for its members' use (as in the case of a consortium), where T/TA is necessary to carry out project objectives, is acceptable.

• Projects that include feasibility studies, business plans, marketing plans or written materials, such as manuals, that are not an essential part of the applicant's long-range development plan. The Administration for Native Americans is not interested in funding 'wish lists' of business possibilities. The Administration for Native Americans expects evidence of solid investment of time and thought on the part of the

applicant to any development of business plans, etc., prior to the submission of the application.

- The support of on-going social service delivery programs or the expansion, or continuation, of existing social service delivery programs.
- Core administration functions, or other activities, that essentially support only the applicant's on-going administrative functions.
- Project goals which are not responsive to one or more of the three ANA goals (Governance, Economic Development, Social Development).
- Proposals from consortia of tribes that are not specific with regard to support from, and roles of, member tribes. The Administration for Native Americans expects an application from a consortium to have goals and objectives that will create a positive impact in the communities of its members.
- Projects which should be supported by other Federal funding sources that are appropriate, and available, for the proposed activity.
- Projects that will not be completed, self-sustaining, or supported by other than ANA funds, at the end of the project period.
- The purchase of real estate (see 45 CFR 1336.50(e)) or construction (see HDS Grants Administration Manual Ch. 3, section E.).
- Projects originated and designed by consultants who are not members of the applicant organization, tribe or village who prepared the application and provide a major role for themselves in the proposed project.

The Administration for Native Americans will critically evaluate applications with which the acquisition of major capital equipment (whether oil rigs or computers/word processing equipment) is a major component of the Federal share of the budget. During negotiation, such expenditures may be deleted from the budget of an otherwise approved application, if not fully justified by the applicant and not deemed appropriate to the needs of the project by ANA.

K. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Public Law, 96–511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and recordkeeping requirements in regulations including program announcements. This program announcement does not contain information collection requirements beyond those approved for ANA grant applications under the Program Narrative Statement by OMB.

L. Due Date for Receipt of Applications

The closing dates for applications submitted in response to this program announcement are November 2, 1990, February 15, 1991 and May 24, 1991.

M. Receipt of Applications

Applications must either be hand delivered or mailed to the address in section H, The Application Process: Application Submission.

The Office of Human Development Services will not accept applications submitted via facsimile (FAX) equipment.

Deadlines. Applications mailed through the U.S. Postal Service or a commercial delivery service shall be considered as meeting an announced closing date if they are either:

(1) Received on or before the deadline date at the address specified in section H, Application Submission, or

(2) Sent on, or before, the deadline date and received in time for the ANA independent review. (Applicants are cautioned to request a legibly dated receipt from a commercial carrier or U.S. Postal Service or a legible postmark date from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications. Applications which do not meet the criteria in the above paragraph of this section are considered late applications and will be returned to the applicant. The Administration for Native Americans shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines. The Administration for Native Americans may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if ANA does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

(Catalog of Federal Domestic Assistance Program Number 13.612 Native American Programs)

Dated: July 10, 1990.

S. Timothy Wapato,

Commissioner, Administrator for Native Americans.

Approved: August 1, 1990.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 90–20350 Filed 8–28–90; 8:45 am]

BILLING CODE 4130–01–M

Reader Aids

Federal Register

Vol. 55, No. 168

Wednesday, August 29, 1990

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, AUGUST

31175-31350.....1
31351-31570.....2
31571-31808.....3
31809-32070.....6
32071-32230.....7
32231-32374.....8
32375-32592.....9
32593-32894.....10
32895-33094.....13
33095-33274.....14
33275-33532.....15
33533-33638.....16
33639-33872.....17
33873-34008.....20
34009-34204.....21
34205-34508.....22
34509-34676.....23
34677-34892.....24
34893-35134.....27
35135-35292.....28
35293-35418.....29

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305.....34209

3 CFR

Proclamations:
5887 (Revoked by Proc. 6167).....33093
6163.....31567
6164.....32231
6165.....32233
6166.....32373
6167.....33093
6168.....33639
6169.....33641
6170.....33643
6171.....34507
6172.....34675

Executive Orders:
12362 (Revoked by EO 12721).....31349
12585 (Revoked by EO 12721).....31349
12721 (See 5 CFR Part 8).....31349
12722.....31803
12723.....31805
12724 (See EO 12722).....33089
12725 (See EO 12723).....33091
12726.....33637
12727.....35027
12728.....35029

Administrative Orders:
Presidential Determinations:
No. 90-29 of August 14, 1990.....34205
No. 90-32 of August 17, 1990.....34207
No. 90-34 of August 23, 1990.....34887
Orders:
August 25, 1990.....35133
Memorandums:
August 8, 1990.....32591
August 24, 1990.....35291

5 CFR

8 (See EO 12721).....31349
430.....31689

Proposed Rules:
550.....31190

7 CFR

272.....33275
273.....31571, 33275
278.....31809
301.....32235-32240
400.....32593
910.....31813, 32895, 33873, 34893
915.....35135
917.....35293
918.....34215
919.....31571
927.....33875
931.....31573
945.....31574
948.....33876
967.....33877
987.....35136
989.....32597
993.....33878
998.....34509
1005.....33216
1007.....34217
1036.....35137
1105.....31351
1126.....34677
1940.....33645
1942.....33645
1944.....35294
1951.....35294
1955.....35294
1962.....35294

Proposed Rules:
1.....31191
30.....34020
51.....32096
226.....34935
735.....34021
906.....35320
910.....32422
915.....31604
917.....31605
920.....34264, 35148
929.....31606
932.....33914
965.....32423
981.....32637
1033.....34569
1036.....34569
1049.....34569
1079.....32263, 35150
1137.....35321
1139.....33915
1230.....32919

8 CFR

214.....34895

Proposed Rules:
214.....34023
274a.....34023

9 CFR

78.....32897
92.....31484
94.....31484
97.....31366
98.....31484
114.....32897
151.....31484

317.....34678
318.....34678
319.....34678
381.....34678
Proposed Rules:
3.....33448
101.....32264
113.....32264
114.....32920
312.....31840, 33407
322.....31840, 33407
327.....31840, 33407
381.....31840, 33407

10 CFR

9.....33645
15.....32375
30.....34512
35.....34512
50.....34939
54.....34939
110.....34518
Proposed Rules:
Ch. I.....32639
2.....34934, 34939
50.....34265
54.....34939
60.....32639

11 CFR

104.....34007
116.....34007
9033.....34007
9035.....34007
Proposed Rules:
107.....34267
110.....34280
114.....34267
9008.....34267

12 CFR

34.....34684
203.....34218
207.....31367
208.....32828
220.....31367
221.....31367
224.....31367
225.....32828
226.....31815
323.....33879
502.....34519
503.....31370
506.....34352
545.....34352, 34698
563.....34352
563d.....34519
564.....34532
571.....34532
1608.....34219
Proposed Rules:
4.....31840
211.....32424
265.....32424
327.....33918
360.....34281
382.....34281
383.....34281
384.....34281
385.....34281
387.....34281
388.....34281
389.....34281
390.....34281
391.....34281
392.....34281
394.....34281
395.....34281
396.....34281
611.....34024
701.....32264

13 CFR

101.....35296
120.....33890
121.....31575
124.....33894, 34901
Proposed Rules:
107.....34650

14 CFR

11.....32856, 35139
13.....31175
21.....32856, 35139
23.....32856, 35139
25.....32856, 35139
33.....32856, 35139
34.....32856
39.....31816, 31821, 32381, 32598–32604, 33095–33110, 33279–33282, 33649, 33650, 34699–34704
43.....32856, 35139
45.....32856, 35139
61.....31300
67.....31300
71.....32071, 32608–32613, 33283–33284, 34024–34026, 35139, 35297–35299
91.....32856, 34707, 35139
95.....32382
97.....32856, 35299
121.....31564
157.....34994
Proposed Rules:
Ch. I.....32096, 33122
23.....34797
39.....31393, 31401, 32442, 32639, 33122–33135, 33321–33322, 34720, 34985
71.....32064, 32097, 32444, 33136, 33324, 34024–34026, 35151, 35322
75.....34027
77.....31722, 32999, 33577, 35152

15 CFR

767.....31176
771.....31756, 33896
772.....31822
773.....33896
774.....31756
779.....33896
785.....33896
786.....31577, 33896
787.....32387
788.....31176
791.....32899
799.....31822, 33896, 34903
Proposed Rules:
806.....33537
944.....31788

16 CFR

240.....33651
305.....34230
803.....31371
1027.....34904
Proposed Rules:
453.....31689
1014.....31404

17 CFR

3.....32241
202.....34010
211.....33284
271.....34550
Proposed Rules:
240.....34027
270.....32098, 34569
274.....34569

18 CFR

2.....33011
270.....32026
271.....31379
284.....33002, 33011
389.....34708
Proposed Rules:
2.....33027
37.....32098
141.....32641
157.....33017, 33027
284.....33017, 33027
375.....33027
380.....33027
385.....32445

19 CFR

Proposed Rules:
10.....32265, 33325
18.....32265
125.....32265
171.....32265
172.....32265

20 CFR

404.....35286
416.....32733, 33667
701.....33669
702.....33669
703.....33669
704.....33669
Proposed Rules:
404.....33920
416.....33922
422.....33920

21 CFR

74.....31823, 31824
176.....31824
177.....31824, 34552, 34709
178.....31826
310.....31776
346.....31776
358.....33246, 33258
369.....31776
510.....32390, 32615, 34985
520.....32615
522.....32615, 33669
529.....31481
558.....31827, 34007, 34011–34118
1220.....33670, 34797
Proposed Rules:
101.....33923
103.....31689
1313.....35323

22 CFR

201.....34231
514.....32906, 32907

23 CFR

420.....35400
658.....32396
Proposed Rules:
655.....33325
770.....34283

24 CFR

25.....33285
202.....33285
203.....33285, 34800
213.....34800
220.....34800
221.....34800
222.....34800
226.....34800
233.....34800
234.....34800
235.....34800
570.....32364
577.....34154
578.....34154
579.....34154
905.....31178
Proposed Rules:
100.....31191
221.....34988
570.....32356

25 CFR

226.....33112

26 CFR

1.....31380, 33671
602.....33671
Proposed Rules:
1.....33137, 35152

27 CFR

9.....32400
Proposed Rules:
9.....35152

28 CFR

0.....32403
20.....32072
50.....32072

29 CFR

92.....34797
94.....34797
98.....34797
151.....34797
511.....33690
1910.....31984, 32616, 34710
1926.....34710
2570.....32836
2585.....32836
2619.....33287
2676.....33288
Proposed Rules:
29.....34868
1630.....31192
1910.....32736

30 CFR

256.....32907
265.....32907
266.....32907
267.....32907
268.....32907
652.....35300
913.....35301
914.....32616
917.....31829, 32618
935.....34011, 34710
944.....32908

Proposed Rules:
228.....32448
250.....31405, 33326, 33539, 34031
913.....34284
925.....34578
931.....31842, 31843
935.....32643
936.....31844, 31845
943.....34285
946.....32100
948.....32102

31 CFR
321.....35394
500.....31178
515.....31179, 32075

32 CFR
146.....34555
199.....31179, 32911
287.....31829
299a.....34907
518.....33288
556.....32243
701.....35140
706.....35314
775.....33898
806b.....31384
842.....32076
1286.....32913

Proposed Rules:
806b.....34286

33 CFR
80.....31830, 33576
100.....31577, 32624, 33116–33118, 34259, 34711, 34908, 35140
110.....32243
117.....31384, 33289, 33533, 33534, 33691, 34555, 35141
161.....34908
164.....32244
165.....31578, 32077, 32249, 34712
175.....32032, 32733
181.....32032, 32733
334.....31689

Proposed Rules:
117.....31846, 33540, 33723, 34287, 35154
127.....33824
154.....33824
166.....32267

34 CFR
86.....33580
302.....34832
346.....33068
600.....32180
653.....35002
668.....32180
682.....35002
769.....31689

Proposed Rules:
231.....33616, 35325
232.....33616
233.....33616
234.....33616
235.....33616
236.....33616
600.....32186
668.....32186
764.....33616
765.....33616
766.....33616

36 CFR
704.....32566, 32567
1222.....31982
1228.....31982
1280.....33903

Proposed Rules:
327.....32644

37 CFR
308.....33604

38 CFR
4.....31579
21.....31180, 31580
36.....31385, 33904, 34912

Proposed Rules:
3.....31192
4.....33924
6.....33140
8.....33140
21.....31193
36.....31847, 33724, 35325

39 CFR
111.....33289
233.....32250

40 CFR
52.....31584, 31587, 31590, 31832, 31835, 32268, 32403, 33118, 33692, 33904, 33905, 34013, 34260, 34914, 34915
61.....31593, 32077, 32913
80.....34120
82.....35142
86.....34120
136.....33434
145.....34017
148.....33693
180.....31182, 31184, 33694, 33695
185.....31182
186.....31182
228.....31593
261.....31387, 32733, 34712
264.....31387, 32733
265.....31387, 32733
266.....32733
268.....31387
271.....31387, 32624, 32733, 33695
302.....31387, 32733
372.....31594
421.....31594
721.....32406, 33296

Proposed Rules:
24.....33430
52.....32645
60.....33925
79.....32218
180.....31194, 33332–33334, 34288
261.....31849
264.....34721
265.....34721
270.....34721
271.....34721
280.....32647
355.....35012
372.....31342

41 CFR
201–1.....34719, 35314
201–2.....34719
201–23.....34719
201–24.....34719
101–25.....33120
101–26.....33309
101–38.....32636, 34719
201–39.....34719
201–41.....32636, 34719, 35314

42 CFR
Ch. III.....34261
405.....32078, 33907
410.....31185
411.....31185, 35142
412.....32088
413.....32088, 33697, 34797
416.....33907
434.....33407
435.....33700
483.....33907
488.....33907
493.....33907

Proposed Rules:
405.....34289
416.....34289
440.....34289
482.....31196, 34289
483.....31196, 34289
493.....31758, 33936, 34289

43 CFR

Public Land Orders:
1094 (Revoked in part by P.L.O. 6789).....32420
1127 (Revoked in part by P.L.O. 6789).....32420
4508 (Revoked in part by P.L.O. 6790).....32420
6788.....32419
6789.....32420
6790.....32420
6791.....32914
6792.....32914
6793.....32915
6794.....32915

44 CFR
62.....32627
64.....32629, 33309, 35143
65.....31836
67.....31835, 34556
336.....34262

Proposed Rules:
67.....31855, 32647, 34289

45 CFR
12.....32251

Proposed Rules:
201.....34294
204.....34294
205.....34294
232.....34294
233.....34294
302.....33414
303.....33414

46 CFR
16.....31297
31.....32244
32.....32244
71.....32244
73.....32244
91.....32244
92.....32244
107.....32244
108.....32244
189.....32244
190.....32244
272.....34916
390.....34924
510.....35316
540.....34564
550.....31199, 32999
580.....31199, 32999, 34929, 35316
581.....31199, 32999
582.....35316

Proposed Rules:
25.....33824
32.....33824
34.....33824
50.....33824
52.....33824
53.....33824
54.....33824
55.....33824
56.....33824
57.....33824
58.....33824
59.....33824
71.....33824
76.....33824
91.....33824
92.....33824
95.....33824
107.....33824
108.....33824
150.....33824
153.....33824
162.....33824
163.....33824
169.....33824
170.....33824
174.....33824
182.....33824
189.....33824
190.....33824
193.....33824

47 CFR
15.....33909
22.....33216
73.....31186, 33310, 33311, 33534, 33535, 33706, 33707, 33910–33912, 34017, 34262, 34568, 35145, 35146, 35319
76.....32631
90.....31598

Proposed Rules:
Ch. I.....32648
2.....34940
61.....31858
64.....31859, 34032
68.....31859, 32270
73.....31202, 31607, 32650, 32922–32925, 33730, 33946, 33947, 35325, 35326
87.....31859
97.....33335

48 CFR
3.....34864
525.....32635
801.....31391
871.....31599
917.....33311
935.....33311

Proposed Rules:
45.....32586, 32587
52.....32586

202.....33218
203.....33218
207.....33218
219.....33218
220.....33218
224.....33218
226.....33218
229.....33218
231.....33218
233.....33218
243.....33218
248.....33218
250.....33218
251.....33218
252.....33218
Appendix Q.....33218
915.....32874
950.....32874, 33730
952.....33730
970.....32874, 33730
1536.....33337
5243.....33541

49 CFR

171.....33707
172.....33707
173.....33707
175.....33707
176.....33707
390.....32916
395.....32916
531.....34017
571.....33318
604.....34932
1152.....31600

Proposed Rules:

173.....35327
383.....34478
552.....32928
571.....32929, 33141, 33541, 34579
580.....34941
623.....34283
630.....33078
1043.....32650
1084.....32650

50 CFR

17.....32088, 32252, 32255
20.....33264, 33626, 35266
285.....34932
603.....31601
611.....31187
613.....31187
642.....31188, 32257
646.....32257, 32635, 33143
661.....31391, 32259, 32916, 33714, 34019
672.....31602, 32260, 32261, 33715, 33912, 34263, 34933
674.....33721
675.....31392, 32094, 32421, 33715, 34933

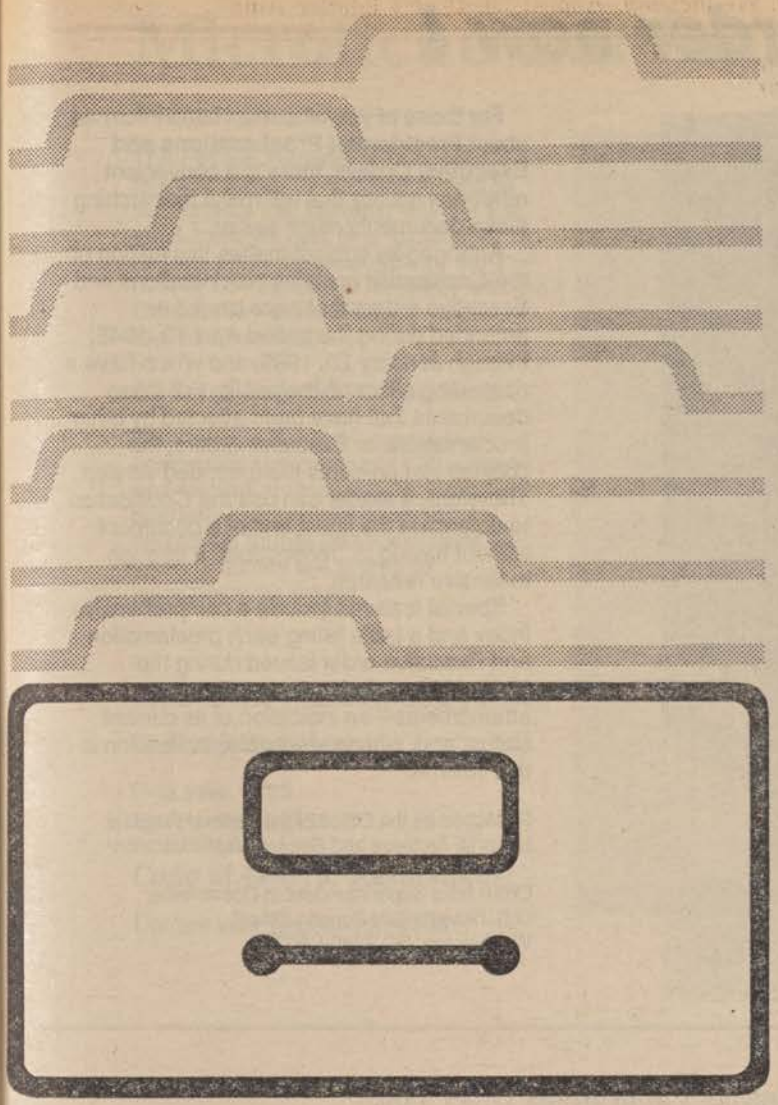
Proposed Rules:

17.....31610, 31612, 31860, 31864, 32103, 32271, 32276, 33737, 34943
18.....32651
20.....33842
216.....35328
227.....35156
251.....32277
611.....33340, 33737, 34034
646.....33143
647.....33337
663.....34034
672.....33340, 33737
675.....33340, 33737

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 22, 1990



Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
SUPPLEMENT: Revised January 1, 1990

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325.

Superintendent of Documents Publication Order Form

Order Processing Code: ***6788**

Charge your order. It's easy!

To fax your orders and inquiries. 202-275-0019

☐ **YES,** please send me the following indicated publication:

_____copies of the 1989 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR S/N 069-000-00020-7 at $12.00 each.

_____copies of the 1990 SUPPLEMENT TO THE GUIDE, S/N 069-000-00025-8 at $1.50 each.

1. The total cost of my order is $_____ (International customers please add 25%). All prices include regular domestic postage and handling and are good through 8/90. After this date, please call Order and Information Desk at 202-783-3238 to verify prices.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)_____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

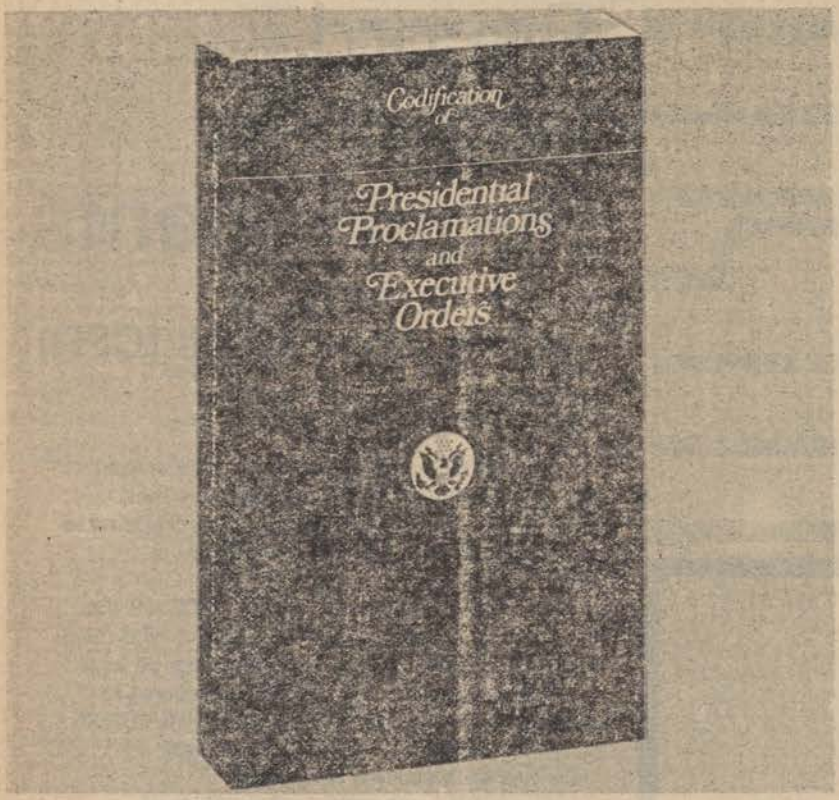
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____ ***Thank you for your order!***
(Credit card expiration date)

_____
(Signature) 2/90

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325

New edition .... Order now !



For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period April 13, 1945, through January 20, 1989, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1945–1989 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325

Order Processing Code:
***6661**

Superintendent of Documents **Publications** Order Form

P3

Charge your order. It's easy!

To fax your orders and inquiries–(202) 275-0019

☐ **YES,** please send me the following indicated publication:

_____ copies of the CODIFICATION OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS. S/N 069-000-00018-5 at $32.00 each.

The total cost of my order is $_____. (International customers please add 25%.) Prices include regular domestic postage and handling and are good through 1/90. After this date, please call Order and Information Desk at 202-783-3238 to verify prices.

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

7/89

Mail To: Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325

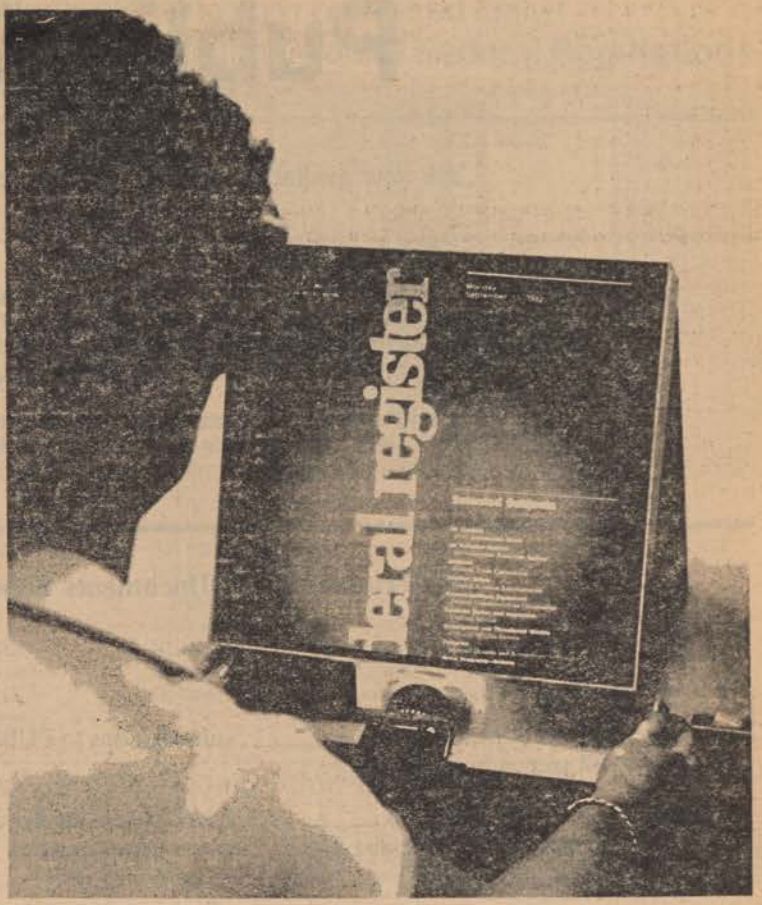
Microfiche Editions Available...

Federal Register

The Federal Register is published daily in 24x microfiche format and mailed to subscribers the following day via first class mail. As part of a microfiche Federal Register subscription, the LSA (List of CFR Sections Affected) and the Cumulative Federal Register Index are mailed monthly.

Code of Federal Regulations

The Code of Federal Regulations, comprising approximately 196 volumes and revised at least once a year on a quarterly basis, is published in 24x microfiche format and the current year's volumes are mailed to subscribers as issued.



Microfiche Subscription Prices:

Federal Register:

One year: $195
Six months: $97.50

Code of Federal Regulations:

Current year (as issued): $188

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
*** 6462**

Charge your order. It's easy! MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

24x MICROFICHE FORMAT:

____ **Federal Register:** ____ One year: $195 ____ Six months: $97.50

____ **Code of Federal Regulations:** ____ Current year: $188

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents
☐ GPO Deposit Account ☐☐☐☐☐☐-☐
☐ VISA or MasterCard Account
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371 (Rev. 2/90)

Public Laws

are now available for the 101st Congress, 2nd Session, 1990

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 101st Congress, 2nd Session, 1990.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices).

Superintendent of Documents Subscriptions Order Form

Order Processing Code:
***6216**

Charge your order. It's easy!

☐ **YES,** please send me _____ subscriptions to **PUBLIC LAWS** for the 101st Congress, 2nd Session, 1990 for $107 per subscription.

1. The total cost of my order is $_____ . All prices include regular domestic postage and handling and are subject to change. International customers please add 25%

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
(Daytime phone including area code)

3. **Please choose method of payment:**

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

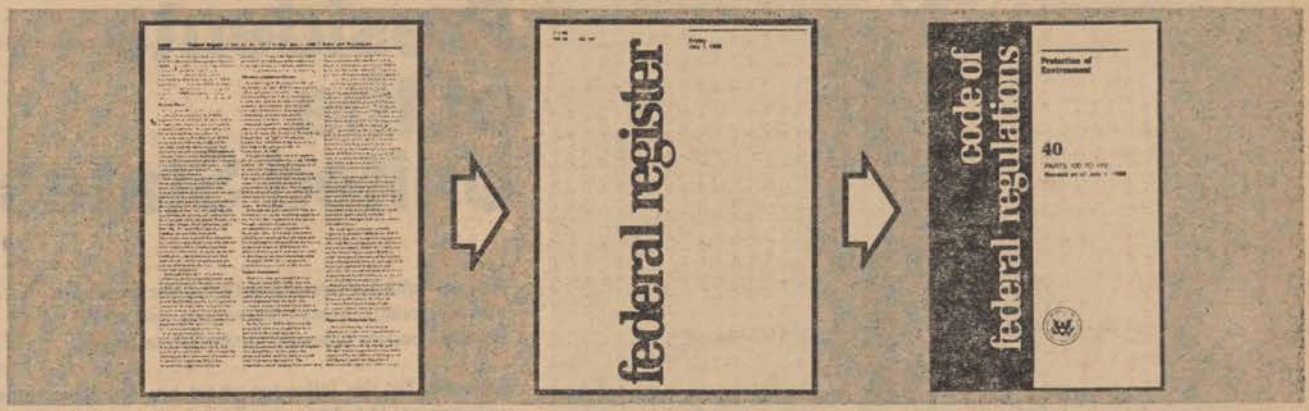
_____
(Signature)

1/90

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371

The Federal Register

Regulations appear as agency documents which are published daily in the **Federal Register** and codified annually in the **Code of Federal Regulations**



The **Federal Register,** published daily, is the official publication for notifying the public of proposed and final regulations. It is the tool for you to use to participate in the rulemaking process by commenting on the proposed regulations. And it keeps you up to date on the Federal regulations currently in effect.

Mailed monthly as part of a **Federal Register** subscription are: the LSA (List of CFR Sections Affected) which leads users of the **Code of Federal Regulations** to amendatory actions published in the daily **Federal Register;** and the cumulative **Federal Register Index.**

The **Code of Federal Regulations** (CFR) comprising approximately 196 volumes contains the annual codification of the final regulations printed in the **Federal Register.** Each of the 50 titles is updated annually.

Individual copies are separately priced. A price list of current **CFR** volumes appears both in the **Federal Register** each Monday and the monthly **LSA** (List of **CFR** Sections Affected). Price inquiries may be made to the Superintendent of Documents, or the Office of the Federal Register.

Superintendent of Documents Subscription Order Form

Order Processing Code:
***6463**

Charge your order. It's easy!

MasterCard VISA

Charge orders may be telephoned to the GPO order desk at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, Monday-Friday (except holidays)

☐ **YES,** please send me the following indicated subscriptions:

- **Federal Register**
  - **Paper:**
    ___$340 for one year
    ___$170 for six-months
  - **24 x Microfiche Format:**
    ___$195 for one year
    ___$97.50 for six-months
  - **Magnetic tape:**
    ___$37,500 for one year
    ___$18,750 for six-months

- **Code of Federal Regulations**
  - **Paper**
    ___$620 for one year
  - **24 x Microfiche Format:**
    ___$188 for one year
  - **Magnetic tape:**
    ___$21,750 for one year

1. The total cost of my order is $_____. All prices include regular domestic postage and handling and are subject to change. International customers please add 25%.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

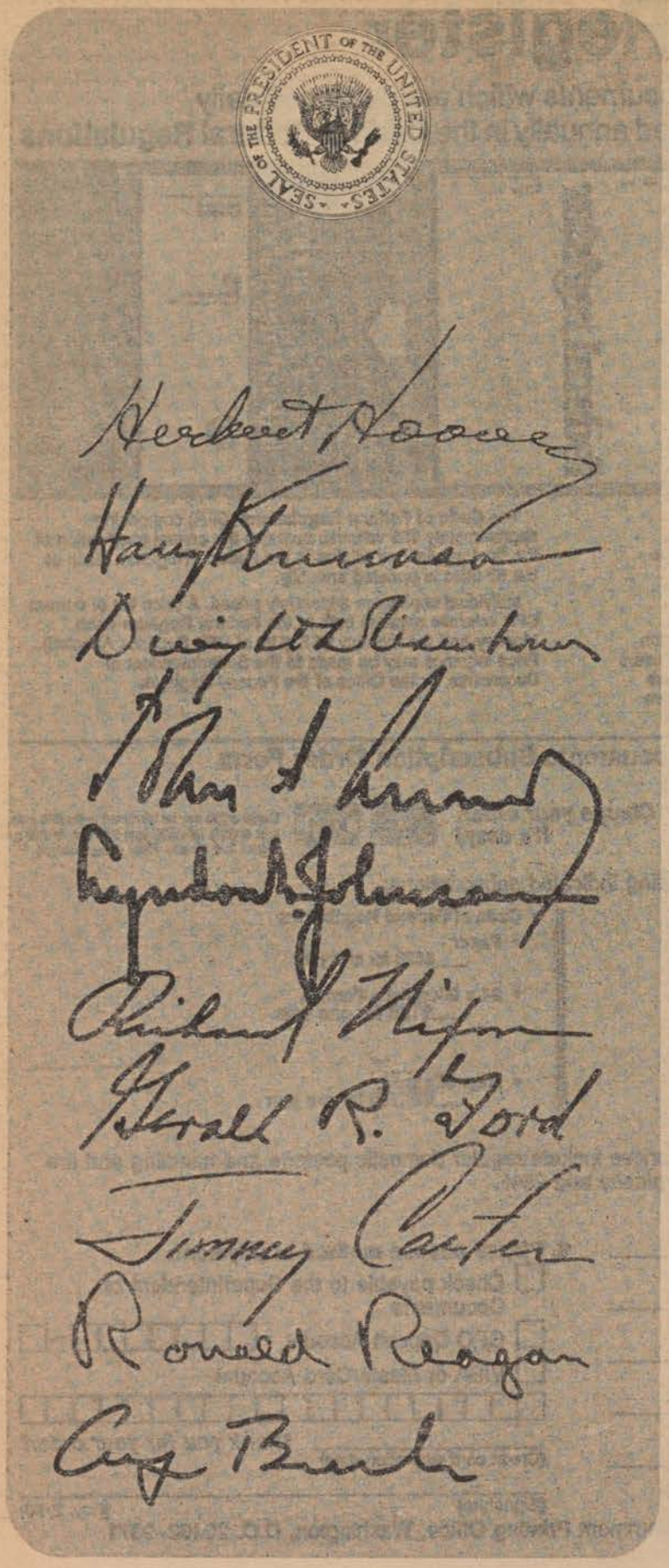
_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev. 2/90)

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9371



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Gerald R. Ford

1975
(Book I) $22.00

Jimmy Carter

1978
(Book I) $24.00

1979
(Book I) $24.00

1979
(Book II) $24.00

1980–81
(Book I) $21.00

1980–81
(Book II) $22.00

1980–81
(Book III) $24.00

Ronald Reagan

1981 ..... $25.00

1982
(Book II) $25.00

1983
(Book I) $31.00

1983
(Book II) $32.00

1984
(Book I) $36.00

1984
(Book II) $36.00

1985
(Book I) $34.00

1985
(Book II) $30.00

1986
(Book I) $37.00

1986
(Book II) $35.00

1987
(Book I) $33.00

1987
(Book II) $35.00

1988
(Book I) $39.00

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washingon, D.C. 20402–9325

(Rev. 5–16–90)